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LAND USE COMMITTEE

REPORT No. 14

FOR CONSIDERATION BY THE COUNCIL OF THE
CORPORATION OF THE CITY OF TORONTO
ON JUNE 28, 1984.

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1. SCOTIA PLAZA AND WATERPARK PLACE 1

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1

SCOTIA PLAZA AND WATERPARK PLACE

The Committee submits the report (March 2, 1984) from the Commissioner of Planning and Development:

Subject: Final Report on Application No. 1633 for Official Plan Amendment and Rezoning for the Scotia Plaza development site comprising 30-44 King Street West, 303 Bay Street, 102 and 106 Yonge Street, and 11-29 Adelaide Street West.

Origin: City Clerk, upon application by Campeau Corporation, 320 Bay Street, Toronto, Ontario, M5H 2P2, on behalf of the Bank of Nova Scotia, 44 King Street West, Toronto, Ontario, M5H 1E2 (c7lluc84109:4o)

Comments: This report is organized under the following headings:

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1. Summary

This report describes the necessary amendments to the Official Plan and Zoning By-law to provide, among other things, for:

(a) the overall density of the proposed Scotia Plaza development (on the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street) as requested by Campeau Corporation on behalf of the Bank of Nova Scotia and certain other owners, including Globe Realty Ltd. on behalf of the Royal Bank;

(b) the transfer of roughly equivalent amounts of commercial and residential density between the Scotia Plaza development lands, in the block bounded by King, Bay, Adelaide and Yonge Streets, and the Waterpark Place lands, in the block bounded by Queens Quay West, Bay Street, York Street and Harbour Street, owned by Campeau Corporation;

(c) the granting of a density bonus for the retention of the four historic buildings, the Bank of Nova Scotia, the National Club and portions of the Dunfield and Wood Gundy buildings, in conjunction with the proposed Scotia Plaza developments; and

(d) the continuation of the present Royal Bank building as a lawful use at a density substantially in excess of 8 times (but less than 12 times) coverage on 20 King Street West, i.e., on the land that will remain in the Royal Bank's ownership after the severance of the parking lots and the conveyance of them to Scotia Realty for incorporation in the Scotia Plaza development lot.

Drafts of the necessary amendments to the Official Plan and Zoning By-law are contained in Appendices D and E to this report.

Concurrent amendments to the Zoning By-law relating to the Waterpark Place lands at 10 Bay Street to effect the simultaneous transfer of commercial and residential density are the subject of a companion report entitled: "Final Report on Application No. 1629 on amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street" and dated March 2, 1984. As outlined in my Covering Report on Applications 1629 and 1633 (December 10, 1982), the two projects are interdependent since the proposed Official Plan Amendment requires that they must be rezoned to permit the proposed transfer of development rights between Waterpark Place and Scotia Plaza at the same meeting.

The report also notes that amendments to the existing Building Scheme Agreement applying to 10 Bay Street, and certain other agreements, including Heritage Easement Agreements, in respect of Scotia Plaza, will be required to implement the applicants' proposal and provide protection for the City's interests. These will be the subject of further reports from me.

I recommend in this report that it be considered by the Land Use Committee at the same time as my companion report respecting Waterpark Place and that the public meeting required under the Planning Act, 1983, in respect of proposed amendments to the Official Plan and Zoning By-law, not be held until the relevant parties have approved the form of the agreements necessary to implement this report, my companion report on Waterpark Place and further reports referred to in this report and my companion report.

2. Background

Campeau Corporation submitted an Application (No. 1633) on August 5, 1982, to amend the Official Plan and Zoning By-law of the City of Toronto for the area bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street. A concurrent application (No. 1629, August 13, 1982) was submitted by Campeau Corporation to amend the Zoning By-law and the Building Scheme Agreement relating to lands at 10 Bay Street.

The Scotia Plaza application was amended on July 22, 1983, to include the National Club at 303 Bay Street and to exclude certain public lanes. This resulted in a 6% increase in the size of the proposed Scotia Plaza development lot, which includes lands which are represented to be controlled by the Bank of Nova Scotia and Campeau Corporation and certain street and lane allowances which are owned by the City.

Both of these applications were the subject of my Progress Report of October 1, 1982, which was before your Committee on October 4, 1982 and adopted by City Council on October 7 and 8, 1982. My Preliminary Report of December 10, 1982, considered by your Committee together with my Preliminary Report of December 3, 1982, on Waterpark Place and a Covering Report of December 13, 1982, described the Scotia Plaza proposal in more detail and recommended:

"1. That the Commissioner of Planning and Development be requested to report to Planning Board and Land Use Committee on suitable form of amendments to the Official Plan to give effect to this report and that the Planning Board and Land Use Committee be requested to hold a public meeting.

2. That the applicants be requested to revise Application No. 1633 with respect to the concerns outlined in this report and in particular taking into consideration the findings of the Pedestrian Level Wind Study to be submitted.

3. That upon receipt of Application No. 1633, revised in accordance with Recommendation No. 1 above, the application be forwarded to the Commissioner of Buildings and Inspections,

Commissioner of Public Works, Commissioner of Parks and Recreation, Metropolitan Commissioner of Planning, and the City Solicitor for their comments, such comments to include any matters they may wish to see included in a development agreement to be forwarded directly to the Commissioner of Planning and Development.

4. That the applicants be requested to submit a Pedestrian Level Wind Study indicating the effect of the proposed development on wind conditions both on the site and within 400 feet of it and indicating measures to be taken to deal with unacceptable wind levels."

In addition to these recommendations the Land Use Committee recommended:

> "That the Commissioner of Planning and Development be requested to report on the provision of open space for daycare on the Bank of Nova Scotia site, taking into consideration the wind factors as they could affect small children;"

My report of December 10, 1982, to the Planning Board, recommending that a public meeting be held to consider both applications, was adopted on December 20, 1982, and amended on January 17, 1983.

A public meeting was held by the Planning Board at City Hall on February 2, 1983. The minutes of that meeting are attached to this report in Appendix B.

In accordance with Recommendation No. 1, a draft amendment to the Official Plan was prepared in early January, 1983, and the processing of the draft amendment was discussed with the applicant. Because negotiations by the applicants with others were pending respecting the acquisition of additional lands for inclusion in the Scotia Plaza development lot, and therefore in the Official Plan Amendment, the draft amendment was not put forward for consideration by the Planning Board at that time (as provided by the Planning Act provisions then in effect). Although a public meeting was held by the Planning Board to consider the proposals respecting the Scotia Plaza and Waterpark Place development lands, I delayed seeking formal consideration of the draft amendment by the Planning Board pending notification that the negotiations were finalized. This occurred by letter dated July 22, 1983, when the application was formally revised to include the National Club lands. On August 1, 1983, the provisions of the new Planning Act took effect, disbanding Planning Boards and providing for a new procedure for processing Official Plan Amendments and Zoning By-laws.

In accordance with Recommendation 2, as noted above, the application has been revised several times to address the concerns in my December 10 report. Among other things, a Pedestrian Level Wind Study has been submitted and is contained in Appendix C.

Recommendation 3, respecting circulation of revised plans is discussed below in Section 3.

The Land Use Committee's recommendation respecting daycare is dealt with in Section 8 of this report which discusses the Scotia Plaza daycare commitment.

3. Review of Application by Other Civic Officials

A recommendation contained in my preliminary report dated December 10, 1982, respecting the Scotia Plaza development scheme was that the application not be circulated to the Civic Officials listed until a revised application had been submitted addressing the matters outlined in that report. Upon receipt of a revised application, the Secretary of your Committee was authorized to circulate the application to the appropriate Civic Officials. Following the recommendation of my report, by letter dated January 19, 1983, the applicants submitted a revised application.

The application for an Official Plan Amendment and Rezoning respecting Scotia Plaza was circulated on January 20, 1983, to the Civic Officials listed below. In addition to any comments they had respecting Official Plan and Zoning matters, they have provided certain comments on Development Review matters, in accordance with the Land Use Committee's recommendation.

Revised drawings responding, among other things, to the comments received and my negotiations with the applicants were circulated on April 19, 1983, May 13, 1983, July 26, 1983, August 29, 1983, and February 3 and 9, 1984. A formal amendment was made to the application by letter dated July 22, 1983, to include the National Club lands in the proposed development lot.

I have not yet received a formal application for Development Review from the owners of the land. A formal application for approval of the plans and drawings, pursuant to Section 40 of the Planning Act, should be submitted by the owners at the earliest opportunity. My recommendations respecting the necessary amendments to the Zoning By-law assume that the applicants will enter into an agreement under Section 40 of the Planning Act to develop the Scotia Plaza lands in accordance with plans and drawings that reflect the proposal described in this report.

I have received comments from the Civic Officials as listed below which are contained in Appendix A to this report:

A. Commissioner of Buildings and Inspections (November 14, 1983)

B. Commissioner of Parks and Recreation (February 4, 1983; April 29, 1983; September 7, 1983)

C. Commissioner of Metropolitan Planning (July 11, 1983)

D. Toronto Historical Board (February 16, 1983)

E. Commissioner of Public Works (March 15, 1983; April 12, 1983; May 5, 1983; August 9, 1983; August 31, 1983; February 21, 1984)

4. Proposal

This section describes the proposal in terms of the proposed development lot, requested density and the impact of the building, particularly at the pedestrian level.

4.1 Site

The site of the Scotia Plaza development has been amended from that described in my Preliminary Report. It now includes the site of the National Club at 303 Bay Street. Grand Opera Lane and portions of a public lane running east off Bay Street located north of the National Club are no longer part of the proposed site. The lot outlined on Figure 1 attached to this report totals 13 030.6 sq.m. consisting of two parts separated by Grand Opera Lane. Campeau Corporation has applied for the closing and conveyance of Johnson Street and a portion of the lane extending east from Bay Street.

4.2 Density

The overall non-residential density on the lands comprising the Scotia Plaza project would be 16.1 times the area of the site or 210 262.8 sq.m. of non-residential gross floor area. The density comprises the following elements:

4.2.1 Present Density Entitlement to be Retained on the Lot

The existing provisions of the Official Plan and Zoning By-law would permit a maximum non-residential gross floor area of 8 times the lot area or 104 244.8 sq.m. Of the 521 housing units permitted on the lot, the rights to 36 housing units would be retained, representing the residential potential of the National Club lands, while the balance would be re-allocated to the Waterpark Place lands at 10 Bay Street.

4.2.2 Density Exemption for Historic Buildings

The applicants are seeking an exemption from the calculation of density of the entire non-residential gross floor area contained in the portions of the Bank, National Club and Dunfield buildings which the applicants propose to retain in conjunction with the Scotia Plaza development. The non-residential gross floor area which would be retained in the Bank of Nova Scotia building is 46 253 sq.m. The applicants are proposing to retain 4 509 sq.m. of non-residential gross floor area in the National Club. A total of 256 sq.m. would be retained in the Dunfield building. A total of 51 018 sq.m. of non-residential gross floor area, contained in existing historic buildings, is proposed to be retained, representing a density of 3.91 times the area of the lot, in conjunction with the redevelopment proposed for the Scotia Plaza development lands.

4.2.3 Density Transfers with the Lands at 10 Bay Street

The applicants are proposing to transfer 49 443.5 sq.m. of residential gross floor area to Waterpark Place in exchange for 55 000 sq.m. of non-residential gross floor area to be used on Scotia Plaza. In order to provide for the transfer of commercial entitlement from Waterpark Place to Scotia Plaza, a conversion factor of 2%, representing the difference between gross floor area (the term employed in the existing Waterpark Place site-specific zoning provisions) and non-residential gross floor area (the term employed in the general provisions of the Zoning By-law applying to the Central Area), has been utilized. A similar logic has been used respecting the transfer of residential entitlement to Waterpark Place. The maximum non-residential gross floor area to be utilized on the Scotia Plaza site is 210 262.8 sq.m.

4.3 Development Proposal

The proposed Scotia Plaza development would combine a unique integration of significant historic buildings with a major new office tower in the financial core of the City. The development would be composed of five main elements: the existing 25-storey Bank of Nova Scotia building; the National Club; a 68-storey office tower; a 5-storey office and retail building on Adelaide Street West; and the Dunfield building on Yonge Street, proposed to be connected to the main portion of the development lands by a tunnel under and a bridge over Grand Opera Lane. With the exception of the National Club, the elements described above would be physically joined together. Between the tower and the Bank of Nova Scotia building, an 11-storey glass enclosed atrium space is proposed to house a new banking hall. A discussion of the conservation of the historic buildings to be retained in this proposal is contained in Section 5. The plans and photographs attached to this report describe the proposal.

4.3.1 Scotia Plaza Tower

The proposed 68-storey office tower is to be located in the centre of the block with major entrances opening onto both King Street and Adelaide Street. Its design is much the same as that presented in my "Progress Report" of October 1, 1982. The height has been increased by two storeys and the form of the upper floors has been modified to create a distinctive top to the tower. The tower is to be clad in a rose-coloured granite with glazing of a similar tint.

The 68-storey height of the proposed office tower is not inconsistent with the heights of the major bank towers on the other corners of the intersection of King and Bay Streets. The Toronto-Dominion Bank building located in the southwest quadrant of the intersection has a maximum height of 55 storeys. The Bank of Commerce to the southeast rises to a similar height of 55 storeys. The Bank of Montreal tower in the northwest corner of the intersection reaches a height of 72 storeys. By comparison, the existing Bank of Nova Scotia building, a 'skyscraper' in its time, is 25 storeys. The skyline of Toronto is dominated by the tall buildings situated at the heart of the Central Core. The proposed impact of the Scotia Plaza tower on the skyline can be seen in Figure No. 21 attached to this report. The Zoning By-law contains no height limit for the four blocks around the King and Bay intersection, thus permitting the location of tall buildings.

The wind, sun and shade conditions at the pedestrian level that would result from the introduction of a 270 metre office tower on the Scotia Plaza site were evaluated to determine the projected impact on the environmental conditions of the surrounding area. The applicants have provided me with a Pedestrian Level Wind Study and a Sun/Shade Analysis, as requested in my Preliminary Report.

A summary of the Pedestrian Level Wind Study prepared by Morrison Hershfield Ltd. is contained in Appendix C to this report. The study model is based on drawings obtained in March, 1983; however, the massing of the buildings used in that analysis was very similar to the present design and I would expect that the results would be comparable to the present proposal. The study indicates that winter wind conditions at a number of locations around the site would be frequently "uncomfortable" for walking use. It also notes that these anticipated conditions would be very similar to the wind levels now found on these sidewalks. The report indicates that the introduction of the building would increase wind levels particularly along King Street and Adelaide Street to a point where they would be frequently uncomfortable in the winter. However, it is important to note that locations such as the northeast corner of King and Bay Streets presently have worse existing conditions than those projected to result from the addition of the building, according to the wind study. For most of the time wind conditions on the sidewalks and open areas of the site would be acceptable for pedestrian use.

The applicants have taken certain steps in response to the projected wind conditions at the pedestrian level. In particular, areas which were proposed as open space in the original design have been replaced by buildings and canopies, which would reduce wind speeds and improve conditions for pedestrians. Generally, the introduction of a tower, of the shape and height proposed, at mid-block does not result in either a significant improvement or deterioration of the wind conditions in the area.

The sun/shade study prepared for the applicants by Morrison Hershfield Limited indicates that the shadowing impact of the proposed tower is not dissimilar to that of other tall buildings within the Core. The elongated north-south plan of the tower provides the least shadow width around mid-day and the widest in the morning or afternoon. It is evident from the sun/shade study that shadowing conditions projected for the surrounding streets would not be significantly improved unless the height of the proposed tower was drastically reduced.

At the public meeting held by the former Planning Board to consider my preliminary report on the application, concern was raised on the effects of tall buildings on migrating birds. The problem, as I understand it, is that under normal weather conditions birds migrate at heights which are above the heights of man-made structures (150 to 1500 metres above ground level). However, when heavy cloud cover appears, most smaller birds will fly at a lower altitude to remain below cloud cover. When rain, fog or drizzle occur, vision and capability for orientation are decreased. In these circumstances, migratory birds fly low to maintain visual contact with distinct topographical features such as the north shore of Lake Ontario. In such circumstances of poor visibility, birds are drawn at night to sources of light in an otherwise darkened landscape. Therefore, in poor weather conditions, during migratory periods, birds following the Lake Ontario shoreline are drawn towards the lights of downtown and waterfront buildings visible from the Lake Ontario flyway. The lighted area of a building is apparently more critical than its height.

Once a building is erected, the City has no planning controls over either private residential or commercial suites such as those located in tall towers in the downtown area. Turning off lights or closing blinds in such suites during migratory periods would apparently reduce bird kills. I understand that groups such as the "City Naturalists" contact the owners or managers of large buildings to seek their co-operation in having lights turned off in the evening during peak migration periods.

4.3.2 Bank of Nova Scotia

The retention of the Bank of Nova Scotia building is the keystone of the Scotia Plaza project and the details of its preservation are discussed in Section 5.1. The applicants have proposed that this building be integrated into the new development, through the introduction of an eleven-storey glazed atrium space between the Bank building and the proposed office tower. This space is to be used as a new public banking hall, leaving the existing banking hall for commercial banking. The two areas are proposed to be connected by new openings in the existing east wall of the banking hall to provide access between the proposed atrium and the banking hall. A new east-west axis for pedestrian traffic is to be further emphasized and encouraged by the introduction of two new entrance doors at the centre of the Bay Street facade of the Bank.

To permit its adaptation to a slightly different role in conjunction with the Scotia Plaza development, a number of changes to the building have been proposed. In the main, however, it would remain as it is, particularly at the ground level. Below grade, at the concourse level, banking functions would be re-arranged to provide for a retail mall area to connect with First Canadian Place by means of a tunnel below Bay Street. The proposed mall area would extend from Bay Street through to Yonge Street and the subway, and north and south to Adelaide Street and King Street.

4.3.3 Adelaide Street Building

Immediately east of the tower, the applicants propose to build a 5-storey building with retail areas at and below grade and office uses above. This part of the site was proposed as open space in the original application. The proposed building was added in response to three concerns identified by the City:

(i) unsatisfactory wind and sun conditions projected for the open space area;

(ii) the need for interest and activity along Adelaide Street, particularly in the form of retail areas and building frontages at the street; and

(iii) the desire to retain the facade of the Wood Gundy building on-site.

The building would incorporate the relocated facade of the Wood Gundy building along the Adelaide Street frontage where it would serve as the main entrance to the building. The Wood Gundy building is presently erected immediately east of the Bank of Nova Scotia building on King Street, in the prime location identified by the applicants as the major entrance to the Scotia Plaza tower. In the applicants' opinion, the scale and configuration of this facade would not provide a suitable entrance to the tower and they proposed that it be demolished. However, in subsequent discussions they have agreed to relocate it on Adelaide Street as the front of the smaller building component proposed for this area.

The Adelaide Street building would include retail stores along half of its frontage on Adelaide Street and along its west side adjacent to a walkway. It would also house two truck elevators serving the below-grade loading docks for Scotia Plaza and the existing Bank of Nova Scotia and Royal Bank buildings. The south end of the building would open to a three-storey sky-lit space providing retail areas along an east-west walkway to Yonge Street.

The restoration of the Wood Gundy facade as proposed will enhance the quality of Adelaide Street for pedestrians and result in a valuable architectural element being retained as a component of the Scotia Plaza development. This arrangement would be satisfactory to me. The protection of this facade, the proposed Heritage Agreement and timing of demolition and re-erection are explained in more detail in Section 5.3.

4.3.4 Dunfield Building

The portion of the lot at 102/106 Yonge Street is the site of the historic Dunfield Building. The protection of a part of this building, the Heritage Easement Agreement, and designation are the subject of Section 5.4. The applicants propose to create a pedestrian entrance to the Scotia Plaza project beside the front portion of the historic building and through a new five-storey addition replacing the rear portion of the building. The ground floor level of the remaining portion of the Dunfield building would be retained as a retail store. Pedestrian access between the two parts of the development site would be across Grand Opera Lane at grade. Above grade, the applicants have proposed a multilevel bridge over the lane to connect the new office space behind the Dunfield facade to the adjacent Adelaide Street building. A proposed tunnel below the lane would give access underneath the Dunfield building at the concourse level to Yonge Street and, by means of another tunnel, to the King Street subway station.

4.3.5 Pedestrian Access

Johnson Street, which is proposed to be closed to become a part of the site, is presently part of a north-south pedestrian route through the middle of the block joining King Street and Adelaide Street. As discussed in more detail in Section 6, a pedestrian route should be established over portions of the courtyard and provided for along with additional walkways through the development by a Section 40 Development Agreement. Together these would provide a route from Adelaide Street West to King Street West which would provide access during the hours of TTC subway operation. It is not proposed that the applicant be required to grant easements to the City in respect of any of these walkways.

Proposed walkways within the development at the concourse level would provide pedestrian access from King Street to Adelaide Street and from Bay Street to Yonge Street. The applicants propose that these would connect eventually by means of pedestrian tunnels beneath Bay Street to First Canadian Place, beneath King Street to Commerce Court, beneath Yonge Street to the King Street subway station and beneath Adelaide Street to a future development site on the north side of Adelaide Street. The concourse level pedestrian walkways within the development should also be provided for in a Section 40 agreement. I have had preliminary discussions with the applicants respecting the proposed pedestrian tunnels beneath Bay Street and King Street West. As these discussions are not concluded, separate applications and approvals would be required for pedestrian tunnels below the streets or sidewalks. I will be reporting further on arrangements that the applicants are prepared to make at the applicants' expense.

The proposed connection to the subway station is an essential component of the proposal for pedestrian circulation. The increased pedestrian traffic on King Street resulting from the addition of some 5,000 new office workers in the Scotia Plaza tower could cause overcrowding of the sidewalks during rush hour(s), particularly at subway entrances. It is therefore critical that an alternative to the King Street sidewalk be provided for access to the subway. I will be reporting further on this matter.

The critical nature of the proposed subway connection indicates that the redevelopment of the properties at 102 and 106 Yonge Street should occur at the same time as the rest of the project is undertaken. The route requires a tunnel under Grand Opera Lane and an 85-metre long tunnel below Yonge Street. The applicants have apparently discussed this proposal with the TTC and have developed a preliminary plan for such a connection. Both the provision and the design of this connection should be provided for in an agreement between the applicants and the City. Improvements to the existing street entrances to the King Street subway station will also be needed to handle the increased traffic.

As adequate provision for pedestrian movement must be ensured for the proposed overall density to be acceptable, I will be reporting further on this matter.

4.3.6 Open Space

Two open spaces are proposed on the site, each related to a principal entrance to the Scotia Plaza Tower. The entrance court on King Street would be defined by the proposed buildings on three sides and by a large open steel framework above at a height of about four storeys. The proposed steel grid would continue the cornice line of the base of the Bank of Nova Scotia building and provide a visual edge to the street line. This design was proposed by the applicants in response to my concern about an appropriate treatment along King Street and as an alternative to my suggestion that a continuous building line be provided close to the street. The resulting court area would be open to the sky. The proposed glass canopy would reach from the street to the building entrance. Access to the concourse level below grade would be provided by an open stairway from King Street. This would provide direct access to the lower level of the tandem elevators in the office tower. At the bottom of these stairs a small court would provide a "sun trap" where people could sit outdoors.

An open space similar to the King Street entrance court would be provided on the north side of the site adjacent to Adelaide Street. This area would be larger than the proposed King Street court. A portion of this area would be defined as a pedestrian walkway in the Section 40 Development Agreement. As in the King Street entrance court, a steel grid would be located approximately four storeys above the court, with a glass canopy extending from the entrance on the north side of the tower, across the court, to Adelaide Street.

Satisfactory integration of the proposed tower into the site by development of an acceptable environment for pedestrians, active uses at grade and creation of an acceptable street edge are essential if the high density proposed by this application is to be granted. The applicants' proposal of the grid and canopy as well as the proposals respecting the Adelaide Street building, the Wood Gundy facade and the Dunfield building are responses to this concern. In the context of the entire Scotia Plaza proposal, I consider the applicants' proposal satisfactory.

The common outdoor space proposed to be provided on the site is to comprise the King Street entrance court and Adelaide Street court, a setback from Adelaide Street and a small open area beside the Dunfield Building on Yonge Street. The amount of common outdoor space required by the general provisions of the Zoning By-law has been calculated on the basis of the portion of the development lot situated west of Grand Opera Lane having two effective frontages on King Street and Adelaide Street. The Bay Street frontage of the lot comprises the existing National Club and Bank of Nova Scotia Buildings. The required common outdoor space for the development lot west of Grand Opera Lane would be 1 109.7 sq.m. at 9% of the lot area. The portion of the lot facing Yonge Street has only one frontage and requires 31 sq.m. of common outdoor space. In addition to these requirements, an area containing 398 sq.m. should be defined as a pedestrian walkway. These requirements and the proposed pedestrian walkway would total 1 538.9 sq.m. The open spaces provided in this proposal comprise at least 1 664 sq.m. of common outdoor space.

An outstanding problem regarding the landscaping plan for the development has yet to be resolved. A detailed landscaping plan satisfactory to the Commissioner of Parks and Recreation and to myself is required. I have held numerous discussions with the applicants regarding landscaping and have reached general agreement on most issues. A portion of the lot on Adelaide Street over the ramp to the parking below grade has been particularly difficult to resolve satisfactorily. Many details regarding materials, planting, lighting and seating have yet to be settled. I am continuing discussions with the applicants to resolve these issues. I will report further on the landscaping in my further report on the necessary Section 40 Development approval.

4.3.7 Traffic and Access

Parking and loading access for Scotia Plaza is to be provided from Adelaide Street West, a high volume one-way eastbound street. None of the buildings now existing on the Adelaide Street frontage of the Scotia Plaza lot would be retained in the proposed development. Bay Street and Yonge Street would not be appropriate for access due to the proposed retention of existing historic buildings on the Bay Street frontage of the lot and the high volume two-way traffic. Similarly, King Street would not be appropriate given its narrow width and two-way traffic constraints. The applicants have proposed an elevator access system off Adelaide Street for service vehicles. This system would allow trucks to be taken below grade to the loading spaces below grade to minimize congestion along Adelaide Street.

Parking and loading space for Scotia Plaza would be provided below grade. The Commissioner of Public Works has advised that parking and loading should be provided generally in accordance with the standards contained in the Central Area Parking and Loading By-law (By-law No. 236-83, as amended). As By-law 236-83 has not yet been approved by the Ontario Municipal Board, specific provision would have to be made in the site-specific zoning by-law amendment for the provision of parking and loading in accordance with the new standards. At the same time Scotia Plaza would have to be exempted from By-law 236-83. The draft by-laws contained in Appendix D deal with these matters.

The Commissioner of Public Works has advised that a total of 450 parking spaces would be a satisfactory provision on the Scotia Plaza development. As 26 surface parking spaces which currently serve the Royal Bank building at 20 King Street are being eliminated, the Commissioner of Public Works has required that the applicants provide 26 parking spaces to serve the Royal Bank building as part of this total. The allocation of spaces for the Royal Bank should be secured in an agreement between the applicants and the City, as well as in an agreement between the owners concerned.

Johnson Street, which runs south from Adelaide Street to the rear of the Royal Bank building, is proposed to be closed, and is discussed in Section 6. The closing would eliminate the service access to the Royal Bank building. The applicants have proposed servicing the Royal Bank building through the below-grade facilities of Scotia Plaza. The Commissioner of Public Works has therefore advised me that 2 Type B and 2 Type C loading spaces should be provided for servicing the Royal Bank at 20 King Street West and that loading facilities for Scotia Plaza should be provided in accordance with the standards contained in By-law 236-83. This would result in a total of 9 Type B and 7 Type C loading spaces. The assignment of parking and loading facilities to the Royal Bank should be secured in an agreement between the applicants and the City as well as in an agreement between the owners. I will report further on the form of these agreements. The amendments to the Zoning By-law, in respect of the development lot and the Royal Bank building, contained in Appendices D and E contain appropriate zoning provisions respecting parking and loading.

5. Conservation of Historic Buildings

Four historic buildings or portions thereof are to be retained in conjunction with the development of a 68-storey tower in the Scotia Plaza development as described in Section 4.3. This section proposes that a Heritage Easement Agreement should apply to each of the four historic buildings to ensure their conservation, and describes certain alterations, additions, and demolitions that are proposed to be permitted in conjunction with Scotia Plaza. I will be reporting further respecting the form of Heritage Easement Agreement necessary for each of the four historic buildings. The proposed zoning provisions respecting the historic buildings are discussed in Section 12 of this report and contained in the draft by-law attached to this report in Appendix D.

It should be emphasized that my negotiations respecting the proposed changes to the historic buildings described below have been based on the understanding that certain changes were required in order to preserve these significant buildings in conjunction with the development of the proposed 68-storey tower. My support for these changes is based upon the Scotia Plaza proposal as described in this report.

5.1 The Bank of Nova Scotia

The 25-storey banking headquarters and office building on the northeast corner of King and Bay has long been the focus of controversy surrounding redevelopment of this block. The Bank of Nova Scotia is the last remaining example of the massive stone-faced bank buildings forming this key intersection at the southern end of the Bay Street Canyon. In addition to its location and context, it is, in its own right, an impressive example of skyscraper architecture. Elaborate detail, substantial height and elegant proportions distinguish its exterior although it is perhaps best known for its monumental and finely detailed banking hall and lobby.

The retention of the Bank of Nova Scotia, almost in its entirety and in every important detail, has been a cornerstone in the negotiations surrounding the redevelopment proposal and is a key element in the overall design and provisions for pedestrian circulation in the plan for Scotia Plaza.

Cleaning and restoration of the historic limestone facade and the refurbishing and upgrading of the entire office building has been in progress for some months.

Certain changes to the building are necessary to implement the Scotia Plaza proposal. The redevelopment plans require the demolition of the annex, a low addition currently hidden from view at the intersection of the two flanks of the L-shaped building. Removal of the annex would allow the existing building to form two sides of the proposed glass atrium to be situated between it and the new 68-storey office tower.

The high sills of the windows of the existing banking hall facing Bay Street are to be lowered and a major entrance provided to the proposed new banking atrium through new doors into the old banking hall from Bay Street. The banking hall itself will be preserved and used as the location for corporate banking functions in the new plan. The lobbies are to remain substantially unchanged.

Proposed changes to the entrances and windows are to correspond in design and materials to the existing building. Certain items which must be removed are to be relocated in the revised plan, for instance the cheque counters and the etched glass panels and railings surrounding the north stair to the lower level. The identical south stair to the lower level is not to be altered.

Proposed below grade modifications to the banking area would permit connection of the proposed below-grade shopping concourse by a tunnel under Bay Street to the concourse below-grade in the First Canadian Place.

I will be reporting further on the terms of a Heritage Easement Agreement respecting the Bank of Nova Scotia building.

5.2 National Club

Situated immediately to the north of the Bank of Nova Scotia building is the National Club, a small private club. At the time of my preliminary report on this application, the Scotia Plaza development lot did not include this parcel. Nevertheless, my report did draw Council's attention to the importance of the facade of this designated building to the Bay Street streetscape adjacent to the Bank of Nova Scotia building. Subsequent negotiations have resulted in the inclusion of this site in the overall development lot and agreement by the applicants to conserve the facade of the National Club as part of the Scotia Plaza approval by way of a Heritage Easement Agreement.

The principles of a Heritage Easement Agreement have been agreed to by the applicants. It would leave the owner with the right to construct up to 36 dwelling units on this site and make other modifications to the building, provided that no change is made to the facade and that any addition to the building is set back at least 8 metres from Bay Street above a height of 20.5 metres above grade and 6.5 metres from the easterly limit of the National Club lot. This corresponds to a setback of 6.5 metres above the existing cornice line. There is also an overall 76 metre height limit on the site of the National Club.

The National Club building would not be physically integrated into the Scotia Plaza project, except for an entrance from the concourse area. Minor changes are proposed for the kitchen area. The National Club site is not part of the Scotia Plaza development review proposal.

The applicants propose to retain certain development rights on this parcel of land for possible future use within the provisions of the zoning by-law for Scotia Plaza:

- **up to 36 residential units on the site, equivalent to the 400 units per hectare entitlement for residential purposes generally permitted in the Financial District; and**

- the right to redevelop portions of the existing floor area subject to the terms of a Heritage Easement Agreement described, and provisions to be included in the Scotia Plaza Zoning By-law respecting height limitations, setback provisions above the existing cornice line, and street-related retail.

I will report further on the terms of the proposed agreement.

5.3 Wood Gundy Building

The applicants identified the site of the 1898 Wood Gundy Building, opposite the historic Bank of Commerce tower, as a key location for the main entrance to the Scotia Plaza office tower. They determined that the retention of the building with its handsome, prize-winning terracotta facade would not be compatible with the proposed tower on the King Street frontage. Accordingly, the application dated August, 1982, called for demolition of this building. The current application proposes the dismantling of the facade and the retention and reconstruction of it on Adelaide Street West, the north flank of the site. In this new location it would give identity to a small-scale office and retail component of the Scotia Plaza development. The plan provides for retail functions in the store-fronts and a small elevator lobby serving the upper floors. New windows would be fitted to the existing openings.

The facade of the Wood Gundy Building including its facing in terracotta tile and brick back-up would be dismantled. The remainder of the building will be demolished.

Council's general policy is to conserve historic buildings in their entirety and in their original location. Demolition and re-erection of the facades of historic buildings is not considered to be conservation or preservation as intended by Section 1A.42(b) of the Official Plan. However, in the case of the Wood Gundy building, re-erection as the facade of a new small-scale component of the development is a reasonable alternative to the loss of this important facade that would otherwise result. Therefore, re-erection of the Wood Gundy facade as proposed should be provided for in an agreement. No exemption from density calculation for this arrangement is recommended. The applicants have agreed to this approach.

I will be reporting further on arrangements respecting the relocation of this facade, including supervision by a qualified restoration architect, record-keeping, dismantling techniques, cleaning, repair or replacement of damaged materials and re-erection of the facade and the provisions of the necessary heritage agreement to protect it.

5.4 Dunfield Building

The Dunfield Building occupies a major portion of the narrow Yonge Street frontage of the development site. Formally part of a row of five historic buildings which are not part of the development site, the Dunfield Building provides an interesting change in scale in both height and detail along the Yonge Street streetscape and is therefore of special importance in this context. In addition, its pitched roof, visible in oblique views from both north and south along Yonge Street, makes retention of more than its facade important.

The applicants propose to retain and restore this building to a depth of approximately 8 metres from Yonge Street. This section of the building would be cleaned and restored and new windows would be fitted to the existing openings. Street-related retail is proposed for the ground floor with office space to be provided above. A new structure would be linked to the Dunfield Building on the north and to the west at each floor level, but designed in such a way to maintain the dominance of the historic Dunfield Building facade on Yonge Street.

The applicants have agreed to enter into a Heritage Easement Agreement respecting the Dunfield building. This Agreement should pertain to the facade and approximately 8 metres depth of the building measured westwards from Yonge Street. The remainder of the building beyond approximately the 8 metre line would be demolished. The agreement should require the owner to restore the remaining portions of the roof, eaves, facade, exposed north wall and store fronts of the building and to replace the windows.

I will be reporting further on this matter.

5.5 Demolition

Approval of the arrangements respecting the four historic buildings set out in this section is a condition of my recommendations respecting the Scotia Plaza development overall, i.e., demolitions or alterations to these historic buildings other than in conjunction with the Scotia Plaza development would not be consistent with my recommendations. Therefore, demolition of all or any portion of the four historic buildings on the proposed Scotia Plaza lot should only be permitted once the Official Plan Amendment to permit the Scotia Plaza development has received final approval and the rezoning referred to in this report and in my companion report on Waterpark Place have come into force and the applicants have submitted a bona fide application for Building Permit to the Commissioner of Buildings and Inspections. This should be provided for in an agreement with the applicants.

I will be reporting further on this matter.

6. Streets and Lanes

The applicants have made separate application to the Commissioner of Public Works for the closing and conveyance of the public street and lane which are to be included in the proposed development lot. The Commissioner of Public Works will be reporting separately to the City Services Committee respecting the closing and conveyance. Consideration by City Council of the recommendations of City Services Committee respecting the closing and conveyance of the street and lane should occur at the same meeting as it considers this report and my separate report to the Executive Committee referred to in Section 9. Conveyance of the street and lane to the applicants should occur before Council passes the Zoning By-law amendments respecting Scotia Plaza, Waterpark Place and the Royal Bank.

6.1 Applicants' Proposal

In order to create the proposed Scotia Plaza development lot, the applicants are seeking the closing and conveyance of Johnson Street (Area 1 on Figure 26), as well as the southerly 20.0 m of the public lane which runs east from Bay Street, south of Adelaide Street West, and then south to end mid-block (Area 2). Earlier proposals that the City also close and convey Grand Opera Lane (Area 3) and the westerly 30.0 metres of the above-mentioned public lane (Area 4) have been dropped.

The applicants have proposed to convey to the City certain lands on the south side of Adelaide Street West at the western edge of the development lot (Area 5), and improve the same at the applicants' cost as a new lane. These lands would be improved and conveyed after completion of the sub-surface structures. The applicants would construct the proposed new lane to City standards and dedicate it free of charge to the City, and would retain below-grade rights to these lands to permit the construction of a portion of the ramp to the underground parking garage and the building density rights attributable to the land to be conveyed to the City. The applicants would gain the density rights attributable to Johnson Street and the portion of the lane proposed to be closed and conveyed (Areas 1 and 2) through this arrangement.

Johnson Street has an area of 496 sq.m. The portion of the public lane proposed to be closed and conveyed to the applicant (Area 2) has an area of 132 sq.m. The proposed addition to the lane (Area 5) when opened would have an area of 230 sq.m., resulting in a difference of 398 sq.m. between the area of the public rights-of-way proposed to be closed and conveyed to the applicants (Areas 1 and 2) and the area to be conveyed to the City and opened as a part of the public lane (Area 5). However, the conveyance of the proposed new lane to the City cannot take place until a time subsequent to the proposed conveyance of Johnson Street and the portion of the lane to the applicants and the incorporation of them in the development lot.

The new lane entrance off Adelaide Street West, when coupled with the adjacent portion of the Scotia Plaza site and exit from the ramp of the underground garage out to Adelaide Street, would comprise a two-way lane serving both the underground garage and the new truck court to be established for the Woolworth building at 311 Bay Street and the National Club building at 303 Bay Street. This lane arrangement would be superior to the lane entrance off Bay Street, which can accommodate traffic going only one way at a time, and an existing truck court which has a limited space available for trucks.

The southerly 20.0 metres of the lane, which abut the National Club at 303 Bay Street and lands owned by the applicant, would be made superfluous by the proposed truck court as well as the servicing facilities and routes to be included in Scotia Plaza. Because the lane dead-ends mid-block, the sale of the southerly 20.0 metres would have no effect on through-block access.

Johnson Street at the present time provides a pedestrian route to the Royal Bank building (and through it to King Street) and to an open walkway owned by the Bank of Nova Scotia, located to the west of the Royal Bank building and also leading to King Street. Both of the present routes from Johnson Street to King Street are privately-owned, and are not secured legally for public use by easement.

In the development proposal, pedestrian access from Adelaide Street to the tower would be across the north court area which would be open to the sky, although part of it would be covered by an open, decorative metal grid. From the south end of the court, pedestrians would enter a skylit portion of the Scotia Plaza building and proceed either to the main lobby of Scotia Plaza or to the pathway through the Royal Bank building. Pedestrian walkways through the interior and exterior spaces of Scotia Plaza should be defined in the Development Agreement as walkways which would be maintained accessible to the public during hours of operation of the subway. The necessary Development Agreement is discussed in Section 13.2 of this report.

With regard to vehicular traffic, Johnson Street provides access to the existing parking and loading areas of the Royal Bank building (which are to be sold to the applicants), as well as to properties owned by the Bank of Nova Scotia which would be incorporated into the proposed development. The Commissioner of Public Works has requested that the Scotia Plaza development provide in its underground garage replacement parking and loading spaces for the Royal Bank building. I understand that these are to be secured together with a right of access to the Royal Bank by an agreement between the applicants and the Royal Bank to which the City will not be a party.

I will be reporting further on arrangements that should be made by the applicants with the City concerning these parking and loading facilities.

6.2 The Official Plan

The Official Plan addresses the question of the sale or lease of public rights-of-way in Section 1A.46(a). This Section states that:

> "Council will regard existing public streets and lanes in the *Central Area*, including lesser streets and lanes which exist within City blocks, as important assets in the provision of present and future access and amenity for pedestrians and, where appropriate, for vehicles. Accordingly, it is the policy of Council that public rights-of-way in the *Central Area*, including lesser streets and lanes, will generally not be sold or leased, except where the following conditions are fulfilled:
>
> (i) the City obtains in return the ownership of the effective public right of use of at least an equal area at grade, or directly related to grade, for continuous use by pedestrians and by vehicular traffic where appropriate;
>
> (ii) in the opinion of Council, the area which the City obtained serves at least as important a function as the land sold or leased by the City in providing needed and logical routes, having particular regard for the function of through-block access;
>
> (iii) the area obtained by the City is either open to the sky or top-lit by natural daylight through a transparent glass roof;
>
> (iv) the design and construction of the public right-of-way is satisfactory to the City; and
>
> (v) the conditions described in (i), (ii), (iii) and (iv) above are secured to the City by an appropriate legal agreement."

6.3 East-West Lane Adjacent to National Club

The east-west lane running east from Bay Street which abuts the National Club and the Woolworth building is not included in the present application by Campeau for the street and lane closing and conveyance. However, the Commissioner of Public Works has advised that the applicants, in their capacity as owners of the lands abutting the southerly edge of the lane, i.e., the National Club, have indicated an interest in seeking the conveyance of this lane in the future, at such time as the proposed new north-south lane running south from Adelaide Street would be open and available to provide access to the lands now served by the east-west lane, if the City determines to close and sell the east-west lane to the abutting owners. Elimination of the east-west lane and the movement of service vehicles to and from Bay Street in this particular location would improve the conditions for pedestrians and for vehicular movement on Bay Street.

In accordance with the requirements of the Municipal Act, the northerly half of the lane would have to be offered to the property owner along the north side of the lane. The proposal is that if the northerly abutting property owner was not to exercise his right to purchase the north half of the lane, the applicants would purchase the entire land; if the northerly property owner were to exercise his right to purchase the north half of the lane, the applicants would only purchase the southerly part of the lane. Both situations assume that the applicants will continue to own the National Club. If the applicants do not, then, they will have the right to purchase the lane only if the abutting owners do not.

I understand that the applicants have proposed to the Commissioner of Public Works that their offer respecting the future purchase of the east-west lane at a price fixed by the Director of Real Estate should be secured by their deposit of funds adequate to cover the future price of land in a trust account held by a bank approved by the City. These funds could be drawn upon by the City if, and when, the east-west lane is closed and conveyed to the abutting owner(s). The amount of money to be deposited is to be based on the current market value of the lands as established by the Director of Real Estate, inflated by 20% to allow for a higher future market value of the lane. The price payable to the City at a future date would be the current market value of the lands at the time of conveyance as determined by the Director of Real Estate. Should the funds deposited exceed the actual future price of the land, the difference would be returned. On the other hand, if the funds deposited are insufficient in respect of the actual future price of the land, the applicants would be required to make up the difference. Although the applicants have not suggested a period by the end of which City Council would have to determine to close and convey the lane, such a period would have to be fixed in an agreement between the applicants and the City. Should the future City Council decline to close the lane or to authorize the conveyance or takes no action thereon within the period fixed by agreement, the funds held in trust would be repaid to the applicants. Although it is not part of the applicants' proposal, it seems reasonable, if this arrangement is approved, that interest on the funds held in trust should accumulate and so increase the sum available to satisfy the purchase price if the applicants are able to purchase this land if it is closed.

Such an arrangement would allow the municipality to use the opportunity of a major redevelopment on the block to eliminate undesirable features in a public lane/street system and develop a new public lane/street system conducive to the needs and character of the area and responsive to the interests of the public at large.

In consultation with the City Solicitor, the Commissioner of Public Works and the Commissioner of Finance, I will report further on how the applicants' commitment respecting the future acquisition of the subject portion of the east-west public lane as herein described can be secured and, if it can, the provisions respecting such an arrangement that should be included in an agreement between the applicants and the City.

6.4 Non-Compliance with Section 1A.46(a) of the Official Plan

With regard to the requested sale of the southerly 20.0 metres of the public lane by the City (Area 2), while it would seem that the underlying purpose of the conditions set out in Section 1A.46(a) would be largely satisfied by the applicants' proposal, the letter of Section 1A.46(a) would not be satisfied. For this reason, I recommend that the development lands be exempted from Section 1A.46(a) by an amendment to the Official Plan. The draft Official Plan Amendment for Scotia Plaza, contained in Appendix D includes such a provision.

I am advised that for legal reasons it will be necessary for the Official Plan Amendment excepting the development lot from the provisions of Section 1A.46(a) to be approved by the Province before the by-laws which authorize the closing and conveyance of Johnson Street and the lane can be passed by Council. Since the closing and conveyance of Johnson Street and a portion of the lane is a necessary prerequisite to the implementation of the applicants' proposal for the development lot, the Zoning By-law amendments respecting Scotia Plaza, the Royal Bank and Waterpark Place should be enacted at the same time, i.e., after the Official Plan Amendments have been approved and come into force.

7. Royal Bank Lands

Certain lands that presently comprise the parking areas on the site of the Royal Bank building at 20 King Street West have been included in the proposed Scotia Plaza development lot. The lands of the Royal Bank building and adjacent parking lot are owned by Globe Realty Ltd. I have received an indication that the applicants may wish to add an additional portion of Royal Bank lands to the proposed Scotia Plaza development lot. However, as will be noted below, details of what is proposed in this regard have not been provided to me as yet. The applicants have not proposed any particular revision to the application for an Official Plan Amendment and rezoning in respect of the Scotia Plaza development lot to incorporate additional lands.

Before any of the Royal Bank lands can be conveyed to Scotia Realty Ltd., and can be included in the Scotia Plaza development lot, the consent of the Committee of Adjustment to the conveyance must be obtained.

I understand application has not yet been made to the Committee of Adjustment for the consent to convey. Because I have not received a formal application for the necessary Official Plan and Zoning By-law Amendments applicable to the lands to be retained by the Royal Bank after the severance, there has been no circulation to the various departments in respect of the Royal Bank Official Plan Amendment specifically. However, Globe Realty Limited did join with Campeau and Scotia Realty Limited in the application for the Official Plan Amendment and rezoning for the Scotia Plaza development lot and the Royal Bank Official Plan Amendment is implicit in that application. For this reason, I have decided to report on it at this time. I understand that Globe Realty Ltd. does intend to submit formal applications in respect of 20 King Street West in the immediate future.

The separate Official Plan Amendment and rezoning for the portion of the Royal Bank lands which is to be retained by the Royal Bank after completion of the severance, will be required since the Royal Bank would appear to be lawful non-conforming at present, and the degree of non-conformity will be increased if any severances are permitted of its present ownership of land.

Drafts of the necessary amendments to the Official Plan and Zoning By-law for the Scotia Plaza lands and the Royal Bank lands, as described below in this section, are attached to this report in Appendices D and E, respectively.

The Land Use Committee's authorization respecting the preparation of by-laws to give effect to the proposed Official Plan Amendments should be conditional on a formal application being submitted for the necessary Official Plan Amendment and Rezoning for the Royal Bank lands.

7.1 Royal Bank lands to be Included in Proposed Scotia Plaza Development Lot

In the original Official Plan Amendment and Rezoning application filed by the applicants on August 4, 1982, the proposed Scotia Plaza development lot included the surface parking lot located at the rear of the Royal Bank building at 20 King Street West. The Royal Bank lands in this application totalled 618.1 sq.m. of lot area and are known for municipal purposes as 11R Adelaide Street West. A revised application was filed by the applicants on July 22, 1983. This revised application included the site of the National Club in the Scotia Plaza development lot, but did not include any Royal Bank lands additional to the parking lot referred to above. In a development summary sheet dated November 2, 1983, prepared by the applicants and forwarded to me for my information, the proposed area of the development lot was increased by 71.65 sq.m. This additional 71.65 sq.m. of land represents a portion of Royal Bank lands located west of the existing bank building. However, the applicants have not amended the application to include this additional 71.65 sq.m. of Royal Bank land in the Scotia Plaza development lot.

7.2 Severance and the Zoning By-law

The Royal Bank was originally constructed in the early 1960's under the Official Plan and zoning designations which allowed 12.0 times commercial density. The 1963 building permit, under which the Royal Bank building was erected, showed a lot area of approximately 2 546 sq.m. The Royal Bank building contains approximately 27 533 sq.m. of gross floor area. The resultant density calculated over this site is 10.8 times coverage expressed in gross floor area.

The Royal Bank lands now included in the applicants' proposed Scotia Plaza development lot consist of a parking lot to the north of 20 King Street West. A portion of the parking lot was included in the 1983 application for a building permit for the Royal Bank building at 20 King Street West as part of the Royal Bank "lot" for building permit and zoning purposes. The balance of the parking lot was not included in the Royal Bank building permit but, although I am informed that the registered owner at that time was the Royal Bank, the reason apparently was that density coverage from this additional land was not required to support the application for the building permit. The entire parking lot now is proposed to be included in the Scotia Plaza development lot.

The Royal Bank building would appear to be lawful non-conforming at the present time at a density below 12.0 times the area of the lot. The degree of non-conformity will be increased if the parking lot is conveyed to Scotia Realty Ltd. However, the density of development of the land that would continue to be in the ownership of Globe Realty Ltd. as the site of the Royal Bank building at 20 King Street West would remain below 12.0 times the area of the lot after the conveyance of the parking lot to Scotia Realty Ltd.

In order to include any Royal Bank land in the proposed Scotia Plaza development lot an application must be made to the Committee of Adjustment for its consent to the conveyance which will result in the severance of ownership. A severance would result in a calculated non-residential density of the Royal Bank building in excess of the currently permitted 8.0 times coverage. A separate Official Plan Amendment and Zoning By-law Amendment for 20 King Street West will be required.

The 71.65 sq.m. of Royal Bank land located to the west of the existing bank building is part of the property known as 20 King Street West. Located below grade of this 71.65 sq.m. of land are mechanical facilities which serve the Royal Bank building. No information has been provided about the location and nature of these mechanical facilities. I cannot assess the implications of allowing its inclusion in the Scotia Plaza development lot until I have received and had the opportunity to consider this information. If the applicants wish to pursue this matter they should propose a specific revision to the original applications so that the merits of including the 71.65 sq.m. into the development lot can be considered by me. For the present and until further information is received and evaluated by me, I have assumed in this report that the development lot is the lot described in the applicants' July 22, 1983 application.

7.3 Parking and Loading for 20 King Street West

The inclusion of the Royal Bank parking lot would result in the elimination of the existing surface parking lot containing 26 parking spaces which serve the existing Royal Bank building. In commenting on the Scotia Plaza proposal, the Commissioner of Public Works has advised that he requires that, in addition to the parking spaces required to serve Scotia Plaza, an additional 26 spaces be provided below grade in the development for the use of the Royal Bank building.

As the closing of Johnson Street would eliminate vehicular access to the rear of the Royal Bank building, loading facilities are proposed to be located two levels below grade in the Scotia Plaza development. I am advised that these alternate arrangements are satisfactory to the Commissioner of Public Works. As was noted above, in addition to an agreement between the owners to secure the parking and loading spaces, I will be reporting further on arrangements that should be made between the applicants and the City in this regard.

As in the case of the Scotia Plaza development lot, the Royal Bank at 20 King Street West will have to be exempted from the provisions of By-law 236-83, the Central Area Parking and Loading By-law.

7.4 Official Plan and Zoning Discussion

As discussed in Section 7.2 of this report a separate Official Plan Amendment and rezoning application is necessary for the lands to be retained by Globe Realty for use by the Royal Bank. Although a separate application has not been filed by Globe Realty, the required Official Plan and Zoning By-law Amendments are implicit in the inclusion of its lands in the proposed Scotia Plaza development lot.

The Official Plan Amendment to implement the inclusion of 11R Adelaide Street West in the development site would require that 20 King Street West, the existing Royal Bank building, be exempt from certain Official Plan Sections which relate to non-conforming uses. The degree of non-conformity of the Royal Bank building will be increased by a reduction of a portion of its lot area through conveyances to the applicants, as discussed in Section 7.2. However, the resulting density will be below the 12.0 times coverage under which the Royal Bank building was originally erected.

Specifically, the Official Plan Amendment should provide that Sections 9.2 and 9.4 of the Official Plan do not apply to 20 King Street West. The Official Plan Amendment should allow for the passing of by-laws to permit non-residential and institutional uses which are currently permitted by the Zoning By-law. The By-law should also provide for the restoration, renovation or alteration of the building, and its replacement or reconstruction if destroyed, or damaged involuntarily, provided that the non-residential gross floor area does not exceed that which is currently contained in the Royal Bank building at the time of adoption of the Official Plan Amendment.

The Zoning By-law Amendment should allow for the building at 20 King Street West to include those non-residential uses currently permitted in commercial-residential districts. The zoning should also permit the restoration, renovation or alteration of the building, provided that the non-residential gross floor area contained in the building on the date of passage of the by-law does not increase. In addition, the reconstruction of the building in the event of fire, explosion or Act of God should be permitted without complying with the provisions of By-law No. 20623 respecting non-residential gross floor area and common outdoor space, provided that the reconstructed or replacement building does not exceed the non-residential gross floor area contained in the building on the date of passage of the by-law.

The Zoning By-law amendment should provide for the exemption of 20 King Street West from the Parking and Loading standards and definitions contained in By-law No. 20623 and require that 26 parking spaces and 4 loading spaces be provided and maintained either on 20 King Street West or on the Scotia Plaza development lot. It should also include definitions of the type of parking and loading spaces to be provided corresponding to the definitions now contained in By-law No. 236-83.

Drafts of the necessary amendments to the Official Plan and Zoning By-law for the Royal Bank lands are attached to this report in Appendix E.

7.5 Conclusion

The formal application filed with the City Clerk for the Official Plan Amendment and Rezoning respecting Scotia Plaza includes the Royal Bank surface parking lot at 11R Adelaide Street West. It does not include the 71.65 sq.m. of Royal Bank land to the west of the existing bank building. If the applicants wish to include the additional 71.65 sq.m. of Royal Bank land in the Scotia Plaza lot, a revision to their application should be filed and I should be requested to report further on the implications of this inclusion.

Processing of an Official Plan Amendment and rezoning for 20 King Street West is necessary to permit the conveyance of the lands at 11R Adelaide Street West. Their inclusion in the Scotia Plaza development lot should not proceed without the owner(s) request for such action. Therefore, processing of the by-laws for the amendments to the Official Plan and Zoning By-law for Scotia Plaza substantially in accordance with those contained in Appendix D, should be conditional on the necessary applications being submitted by the owner for an amendment to the Official Plan and Zoning By-law for the Royal Bank lands substantially in accordance with that contained in Appendix E and approval of the form of agreements necessary to implement this report by the relevant parties other than the City.

8. Workplace Daycare

8.1 Background

The Land Use Committee, at its meeting of December 13, 1982 approved my preliminary reports on the applications by Campeau Corporation respecting the Scotia Plaza and Waterpark Place development sites. These reports indicated that basic agreement had been reached between myself and Campeau Corporation on the form and conditions for development on both sites, including the conservation of certain historic buildings, the transfer of densities between the two development sites, and assistance in achievement of the City's objective respecting the provision of daycare, as well as certain implementation measures. My report on Scotia Plaza stated that Campeau Corporation had agreed to provide daycare facilities for at least 50 children on the Scotia Plaza site in accordance with Provincial guidelines. The location of these facilities within the development was yet to be determined. My report also stated that the applicants should be required to provide information on its intentions regarding management and operation of the daycare centre to ensure that the proposed daycare space is used as intended. The Committee amended my report and requested that, in addition, I report on the provision of open space for daycare on the Scotia Plaza development site, taking into consideration the wind factors as they could affect small children.

In subsequent discussions, Campeau Corporation suggested their commitment should be for the provision of a daycare facility, acceptable to the Provincial Ministry of Community and Social Services, for at least 50 children for a period of 25 years from the completion of Scotia Plaza construction; Campeau would be responsible for rent and such expenses as heat, hydro and taxes as well as start-up arrangements including the cost of professional daycare advice in the initial stages, but would not be directly responsible for the actual operation of the facility.

This Section of the report has been prepared in consultation with the Co-ordinators of the Task Force on Workplace Daycare.

8.2 Campeau Corporation's Revised Proposal

Campeau Corporation has now requested that they be allowed to satisfy their commitment to provide daycare at Scotia Plaza in some other manner. They have suggested that their obligation be defined to be the provision of a daycare facility on an off-site location for a 25-year period, together with the cost of start-up arrangements, or the financial equivalent, or a combination of space and money.

Campeau submitted a report dated November, 1983 entitled "Daycare Requirement, Scotia Plaza Project", from their consultants, Family Day Care Services. In its Executive Summary, the consultants stated that:

> "A careful examination of the architectural plans and models of Scotia Plaza determined that the complex itself was an inappropriate environment for a day care centre. Nevertheless, three possible locations were identified in consultation with the Task Force and the Planning Department of the City of Toronto. In addition these three proposed locations were presented to the licensing officials of the Provincial Ministry of Community and Social Services. Concerns relating to open air play facilities, access and inability to meet provincial height restrictions eliminated the possibility of obtaining a licence to operate a day care facility on the site.
>
> As it was impossible to locate day care services on site, Family Day Care Services suggested to Campeau Corporation that a search for alternative sites be conducted that might satisfy the commitment to the City...
>
> Campeau Corporation requested Family Day Care Services approach the Metropolitan United Church and the Anglican diocesan office to determine their interest in locating day care services. The existing premises are both within easy walking distance to the proposed Scotia Plaza Complex."

It is important to note that my staff did not participate in the preparation of the consultants' report or in meetings with Provincial officials. I understand that the Co-ordinators of the Task Force on Workplace Daycare also did not participate either in the prepartion of the report or in the meetings.

Based on their consultants' report, Campeau is now seeking permission to satisfy their commitment in an alternate manner.

8.3 Financial Valuation of Commitment

Campeau Corporation have suggested that in conjunction with the Scotia Plaza development their daycare commitment be defined as the provision of a daycare facility for a minimum of 50 children for 25 years, or the financial equivalent, or a combination of space and operating money.

The Co-ordinators of the Task Force on Workplace Daycare and the Commissioner of City Property have provided me with certain information needed to arrive at a preliminary estimate of the value of Campeau's daycare commitment, including:

- the cost of the space for a 25 year period;
- the cost of preparing the space for daycare; and
- start-up costs.

464.5 sq.m. is the approximate space required for 50 children in accordance with the Provincial guidelines and regulations. However, it should be noted that 464.5 sq.m. is an estimate only, based on advice of the Co-ordinators of the Task Force on Workplace Daycare, since the Provincial guidelines provide for a range of area required that depend on the physical layout of the space, how it can be designed, and the number of infants (children under 18 months) within the program since provincial standards require more space for each infant. Further, it should be noted in respect of the Campeau commitment to a daycare for a minimum of 50 children, that in line with the revised provincial guidelines respecting staff/child ratios and group size, a centre of either 49 or 57 children would be necessary in order to provide cost efficient daycare.

8.3.1 Present value of lease for 25 years

The Commissioner of City Property has provided an opinion from the Director of Real Estate respecting the calculation of the present value of 464.5 sq.m. of first class office space, analogous to Scotia Plaza, in the King and Bay area for a 25-year period, which is the time frame for which Campeau has indicated it would provide the daycare space. The Commissioner has advised that in determining the present value of a lease of such space at a nominal rental, he has made certain assumptions suggested by me, including assumptions that the space would be rent free to the tenant and the landlord would cover the usual obligations such as tax escalation, heating and utilities, over a 25-year period. I indicated that these latter obligations usually are the responsibility of the tenant where the lease is of office space. The appropriateness of assumptions has not been discussed with Campeau Corporation. I will proceed to discuss them with Campeau and will be reporting further.

8.3.2 Cost of preparing space for daycare

The cost of preparing space for a daycare facility including constructing floors, partitions, cupboards and bathroom and kitchen facilities in accordance with requirements established by the province, would vary depending on the condition and configuration of the space. However, the City Property Department's Director of Architecture has advised that the cost of preparing space for daycare in an office building (assuming ventilation and air conditioning are already provided) would be about $250,000 for 464.5 sq.m. in 1984 dollars.

8.3.3 Start-up costs

Start-up costs would be affected by many variables, including the physical environment and support services which the employer might provide. However, I am advised by the Co-ordinators of the Task Force on Workplace Daycare that $1,200 per child at 1984 costs would be a reasonable estimate for furniture, equipment and program supplies. In addition, I am advised that playground equipment, installation and fencing would cost a minimum of $20,000 and costs for personnel to organize and prepare for the program opening is approximately $20,000 for the 6-month lead time required, again in 1984 dollars. The total for the start-up costs set out above for a daycare centre of 50 children is in the order of $100,000.

8.4 An Off-Site Location

Substituting an off-site location for an on-site location for a workplace daycare facility raises a number of questions which require consideration. These fall generally into three categories discussed in detail in this section relating to:

- reasons why the workplace environment or physical situation is considered inappropriate for workplace daycare;
- criteria to assess whether an off-site location would provide a suitable level of service and convenience comparable to that provided by an on-site location; and
- financial and legal arrangements.

8.4.1 Reasons to consider the substitution of an off-site location for an on-site location for workplace daycare where the substitution may be appropriate

Workplace daycare offers an important childcare alternative to many parents who prefer to place their children in close proximity to their place of work. City Council has pursued the achievement of workplace daycare in the City and has adopted a recommendation that the City should take a more active role in helping in the establishment of more workplace daycare centres in the City (Executive Committee Report No. 18, Clause 36, adopted by City Council on April 22, 1982).

Reasons for workplace daycare include easy access at lunch hours, or in cases of emergencies; saving time in mornings and evenings; and convenience in dropping off and picking up children. A survey of employees in a comparable building in downtown Toronto, which was prepared by the consultants for the applicants, identified such advantages. In their report on Scotia Plaza daycare, the consultants noted that "in evaluating the importance of daycare services in terms of being close to home or to work, the general response is that it is very important that the service be available close to either home or work and that daycare services located on the way to work are unsatisfactory".

Proximity of a daycare facility to the workplace of the parent is therefore an obvious objective of workplace daycare and its achievement on site is the best way of satisfying this objective. It is recognized, however, that in certain work situations physical barriers or environmental conditions may make the provision of daycare on-site difficult or impossible. According to the report by Campeau's consultants, they considered certain locations in the Scotia Plaza development problematic in terms of access, outdoor playspace and height above grade. It is recognized that the nature of the development as a very high density "infill" development may present certain difficulties, particularly with respect to location at grade and outdoor playspace.

8.4.2 Criteria to assess whether an off-site location is suitable and comparable to an on-site location

Should it be determined that an on-site location is inappropriate, it is essential in considering an off-site location to evaluate whether the level of convenience, service and accessibility will be attractive to future workers in Scotia Plaza (estimated at approximately 6,500 employees), or whether an off-site daycare program may be underutilized. The following briefly discusses criteria for assessing the suitability of an off-site location.

(a) Accessibility to public transit: A Scotia Plaza location would permit direct access to the subway, as well as other transit (Bay Street car, King Street car, etc.) which make for a high level of accessibility and convenience at the King and Bay location. If an off-site location does not have direct access to the subway or involves additional transfers and costs in transit fees, accessibility and convenience would be lessened.

(b) Distance from worksite: As previously discussed, and as demonstrated by the consultants' report, it is essential that an off-site location be in close proximity to the workplace. If this is not possible, an additional burden will be placed on parents who could be faced with time-consuming and energy-draining detours to and from work and/or could discourage parents from entering their children in the program.

(c) Suitability of off-site location: Suitability in terms of environmental and physical considerations is essential.

(d) Relationship to existing community services: In assessing an off-site location, the existing level of daycare service in the area is a factor to evaluate. It would not be adviseable for a new daycare program to be established near an existing centre unless a target population of consumers has already been identified.

(e) On-going relationship to developer/owner and/or employers: In my preliminary report which was approved at Land Use Committee on December 13, 1982, I stated that the applicants should also be required to provide information on their intention regarding management and operation of the daycare centre to ensure the space is used as intended. The feasibility of a daycare centre depends on more than provision of the facility itself and/or an initial financial contribution to ensure that a daycare program can be properly, efficiently, and successfully operated. An on-site location provides the opportunity for the developer, owner(s) and tenant(s) to continue an interest in the facility and to ensure the success of the program.

An off-site location would not necessarily preclude an ongoing relationship with the Bank of Nova Scotia and/or Campeau Corporation. However, provision of a daycare facility at an off-site location, accompanied by a severance from further responsibility by the developer/owner, would raise questions respecting on-going responsibility for such a facility that need to be addressed. Provisions respecting on-going responsibility for the daycare facility should be considered by Council.

Ideally, the Bank of Nova Scotia and/or Campeau would be represented on a board of directors of a non-profit corporation which would operate the daycare centre along with representatives of the parent consumers whether the facility is on-site or off-site. A board of directors would be required by a non-profit daycare operation to set policy, oversee the operation and determine the most suitable management options, whether it be to hire a supervisor, subcontract to another agency, or operate as a parent co-operative.

8.4.3 Financial and Legal Arrangements

If the daycare facility is not provided in the Scotia Plaza development and an off-site location is to be considered by Council, difficult questions regarding financial and legal arrangements will have to be addressed. These questions include the extent of the financial contribution to be made by Campeau, the City's legal authority, the means that could be established to ensure that expenditure of funds by the non-profit corporation for 25 years would have to be created, and possibly, some method by which the City could ensure that the monies were being expended generally in accordance with the commitment by Campeau would have to be established. These are difficult questions and may well prove to be questions that cannot be answered to the City's satisfaction. I will be reporting to the Neighbourhoods Committee on these questions, in consultation with the City Solicitor, the Commissioner of Property and the Task Force on Workplace Daycare.

8.5 Conclusion

Campeau Corporation has suggested that it be allowed to satisfy its commitment respecting the provision of daycare in conjunction with the Scotia Plaza development in an alternate manner to that described in my December 10, 1983 report. This request is apparently based on their consultants' review of the plans of certain options for location of daycare in the proposed Scotia Plaza development with Provincial officials and the determination that an appropriate location for daycare is not available within the development.

There is no doubt that unusual difficulties are presented in meeting the standard Provincial requirements respecting access to grade and outdoor daycare space on the Scotia Plaza site. This is the result of the proposed design and density of the development on a site constrained by the preservation of historic buildings. However, to a large degree the problem is one of priorities, since it appears that on occasion, the Province will make exceptions to its standard requirements, provided that the Province's concerns of safety and convenience of the children can still be achieved. Provision of a daycare facility on-site at Scotia Plaza with access and playspace acceptable to the Province might be possible, although it is recognized that this may be achieved at the expense of other priorities established by Campeau and/or the Bank of Nova Scotia.

Because of the significant advantages of a location on-site at Scotia Plaza for a daycare facility to serve Scotia Plaza workers, an alternate proposal should be carefully considered. I have set out in this report numerous factors that I believe have a bearing on such a proposal. However, I require the assistance of the Neighbourhoods Committee's Task Force on Workplace Daycare in order to properly address the issues and develop an appropriate solution. The Land Use Committee's request respecting the provision of open space for daycare on the Scotia Plaza site, taking into account wind factors, should also be addressed at this time. I have submitted this report to the Neighbourhoods Committee with the recommendation that the Commissioner of Planning and Development, in consultation with the City Solicitor and Task Force on Workplace Daycare, report further to the Neighbourhoods Committee respecting the Scotia Plaza daycare commitment.

8.6 Implementation

Because of the apparent urgency respecting the preparation or processing of legal instruments necessary to permit the proposed Scotia Plaza development, including the necessary agreement respecting daycare, the Scotia Plaza daycare commitment should be resolved in a manner that does not delay their processing. An agreement between Campeau and the City should at this time provide for the Scotia Plaza daycare facility to be provided on-site in accordance with Campeau's commitment until other arrangements satisfactory to City Council are made. For example, the 1982 Agreement between Eaton Centre and the City contained the following provision:

"Daycare centre

2. (c) A daycare centre for at least 50 children shall be provided by the Company in the following manner. If a building is constructed on the lands described in Schedule "L" within five (5) years after the Date of Final Approval of the Amendment By-laws, the daycare centre will be provided by the Company in such building. In the event that construction of such building has not commenced within five years after the Date of Final Approval of the Amending By-laws, the daycare centre shall be provided by the Company in any building erected on the lands described in Schedule "K". The daycare centre shall be maintained until the building in which it is located is demolished or irreparably damaged."

This approach would expedite the preparation and processing of the by-laws and related agreements. It could be reviewed when City Council considers the report of the Neighbourhoods Committee on my report prepared in consultation with the City Solicitor and the Task Force on Workplace Daycare referred to in Section 8.4.3.

I will be reporting further on the form of agreement respecting the Scotia Plaza daycare.

9. Site for Assisted Housing

9.1 Background

The Land Use Committee, at its meeting of December 13, 1982, approved my preliminary reports on the applications by Campeau Corporation respecting the Scotia Plaza and Waterpark Place development sites. These reports indicated that basic agreement had been reached between myself and Campeau Corporation on the form and conditions for development on both sites including the conservation of certain historic buildings, the transfer of densities between the two development sites, daycare facilities, and assistance in achievement of the City's objective respecting assisted housing, as well as certain implementation measures. My reports stated that as a result of negotiations with the Commissioner of Housing and myself, pursuant to the recommendations of my September 3, 1982 report, Campeau had agreed to convey a site for at least 200 units, rather than the figure of at least 150 units referred to in my September 3, 1982 report. My December 10, 1982 reports further indicated that:

> "on the advice of the Commissioner of Housing, it has been agreed, for reasons of site suitability, phasing, services, and amenities, that the site will not be located in the Central Bayfront."

The 200 units would be equivalent to 40% of the residential component which the December 10, 1982 report recommended be permitted to be transferred from the Scotia Plaza site. This percentage would be in line with the assisted housing components specified in the Harbourfront Official Plan and the Waterfront Proposals document.

In agreeing to the change between the September and the December reports of a site that could accommodate 200 units rather than 150 units, Campeau Corporation believed that they had already located an appropriate site that could accommodate 200 units. However, in the event, numerous problems with the then proposed site precluded its further consideration.

9.2 Acquisition of Preferred Site

A City-wide search for appropriate sites was undertaken by Campeau Corporation in conjunction with the Commissioner of Housing and myself, followed by serious pursuit of several sites. After consultation with the Executive Committee in Conference in June 1983, respecting my recommendations on the choice of sites, I recommended to Campeau Corporation that it proceed to secure legal control over a preferred site, on the basis of certain terms and conditions which I indicated I would recommend to City Council. Campeau Corporation and the owner of the preferred site executed an option to purchase the preferred site in October, 1983.

9.3 Recommended Procedure

As jurisdiction respecting acquisition of land rests with Executive Committee, I am reporting separately to the Executive Committee with my recommendations respecting acquisition by the City from Campeau of the preferred site.

Bills should not be passed by Council in respect of the Scotia Plaza development lot and Waterpark Place until this and all other agreements to be made by the applicants and others respecting Scotia Plaza and Waterpark Place have been executed and registered against title for the appropriate lands.

10. Official Plan Amendment Rationale

An Official Plan Amendment is required to provide the necessary Official Plan framework for the simultaneous rezoning of the Scotia Plaza site and the Waterpark Place site to permit the Scotia Plaza development, described above in Section 4.3, and for the Waterpark Place development proposal, described in my companion report on that matter. A draft of such an Official Plan Amendment is contained in Appendix D to this report. Specifically, the draft Official Plan Amendment provides for:

- the overall commercial density of the proposed Scotia Plaza development on the proposed development lot;
- the transfer of commercial density from the Waterpark Place site to the Scotia Plaza site;
- the transfer of residential density from the Scotia Plaza site to the Waterpark Place site; and
- the exemption from the calculation of density of the existing portions of the Bank of Nova Scotia, the National Club and the Dunfield building, which are to be retained in conjunction with the Scotia Plaza development;

subject to such historic buildings continuing to be erected. It defines the development lands as one lot. Further, it provides that exemptions contained in the provisions of the Official Plan of general application would not apply to this site. Further, it permits the necessary amendment to the Zoning By-law for Scotia Plaza and Waterpark Place to be contained in separate by-laws, although they must be passed at the same meeting of Council to effect the density transfer.

In my preliminary reports on these applications, I indicated my general support for such an Official Plan Amendment: "provided that the site planning, retention of historic buildings, and the treatment of the streetscapes are resolved to the satisfaction of the City ...". I recommended that the application be revised to address those concerns. Subsequently, the application was revised several times, including additions and deletions to the lands in the Scotia Plaza development lot, to which the Official Plan amendment would apply.

10.1 Density

The proposed overall non-residential density on the lands comprising the Scotia Plaza lot is 16.1 times the area of the site (210 262.8 sq.m. of non-residential gross floor area). The density comprises the following elements:

(a) density entitlement for the lands (8.0 times the area of the lands, in non-residential gross floor area, plus 36 residential units for the National Club);

(b) density exemption for historic buildings (exempt existing non-residential gross floor area of the Bank of Nova Scotia, National Club and the Dunfield building retained in the Scotia Plaza development); and

(c) density transfer between the Scotia Plaza lands and the Waterpark Place land.

The detailed consideration of these elements was provided in Section 4 of this report.

10.2 Rationale

My recommendation respecting the Official Plan and Zoning By-law package for Scotia Plaza and Waterpark Place is based on consideration of overall density, transfer of density and historic building bonus of the Scotia Plaza development proposal in light of the principles of the Official Plan as discussed in the following sections.

10.2.1 Overall Density

The Official Plan provides in Section 1A.6(a) that it is the policy of Council to assign first priority to the Financial District as a location for future office development in the Central Core, because it is the most accessible area to all regional and area modes of transportion, and because it is the major office employment centre in the Metropolitan area. In addition, the highest densities for commercial development are permitted in the Financial District by the Official Plan.

The Financial District is also a major centre of retail activity, with a large amount of retail space provided in malls below grade in the large office towers connected by an underground pedestrian system. At the same time, improvement of street level pedestrian environments by appropriate paving, tree planting and incentives for retail activity at grade has been pursued by the City.

An implication of the high accessibility, the high densities permitted and the high level of demand for commercial development in the Financial District, is the intense pressure which exists to redevelop buildings of architectural and historic significance in the area. Development pressures have often led to the demolition and replacement of historic buildings by larger and more modern and efficient structures.

In recognition of the need to provide incentives to counter the market pressures, and to secure the retention of historic buildings, the Official Plan provides generally, in Section 1.1(h), for Council to designate buildings and sites of historical or architectural merit and take all necessary steps to ensure their preservation. The Official Plan also provides a density incentive in Section 1A.42 for the retention of historic buildings in conjunction with redevelopment that permits the exclusion of floor area from calculations of permitted density, but limits this to a maximum of 2 times the area of the lot for the Financial District.

Housing is also permitted in the Financial District by the Official Plan. However, the Official Plan also provides that because of the District's significance as a location for office development, housing is to be encouraged, provided that such development allows sufficient land for office development. Removal of the housing potential from the Scotia Plaza lands to another site in the Central Core, i.e., Waterpark Place, when considered in conjunction with the conveyance to the City by Campeau Corporation of a site to assist in achieving the City's housing goals, is an arrangement that, in my opinion, is consistent with the Official Plan's principles.

Overall, the proposed Scotia Plaza development provides for the retention of historic buildings, satisfactory street level pedestrian environment, housing and daycare in conjunction with a 68-storey tower. While exceeding the density generally permitted by the Official Plan, in my opinion, it is consistent with the intent of the general provisions of the Official Plan applying to the Financial District.

10.2.2 Density Transfer

The transfers of commercial and residential density proposed by the applicants between the Waterpark Place lands and the Scotia Plaza lands require that the Building Scheme Agreement of 1969 that applies to the Waterpark Place site be amended to permit a different mix of uses, densities and building forms than is provided by this instrument. Unlike the Official Plan and Zoning By-law, the Building Scheme Agreement cannot be amended without the agreement of the parties, who are, in this case: The City of Toronto, Campeau Corporation, Toronto Harbour Commissioners and Capthorne Holdings Ltd. (owners of Harbour Castle Hilton). The applications by Campeau Corporation and others provide the opportunity for making changes to this Agreement.

In my companion report on Waterpark Place I discuss the benefits to be achieved on the Waterpark Place site. Briefly, this report indicates that the proposed transfers provide the opportunity for achieving certain of the current Central Waterfront planning objectives on the Waterpark Place lands. These include a positive impact on the Bayfront transportation system, development of a mix of commercial and residential uses, provision of assisted housing, improvement of built form and amenities for pedestrians.

My December 10, 1982, report set out the density for Scotia Plaza proposed in the application as including: 49 248.8 sq.m. (equivalent to 4 times coverage of the Scotia Plaza lot) in commercial density to be transferred from the Waterpark Place lands. To provide for certain factors, that might change the Scotia Plaza density, viz, the inclusion of additional lands, retention of portions of the Dunfield Building and incorporation of the facade of the Wood Gundy building in the project, the provision of street-related uses on Adelaide Street West, or a reduction in site area, in my discussion of the principles, I proposed that the non-residential gross floor area to be permitted on Scotia Plaza should include a maximum of 55 000 sq.m. of non-residential gross floor area, transferred from the Bayfront site.

As explained in Section 4, the application has been amended to include the National Club, to provide for the retention of a portion of the Dunfield building and the Wood Gundy facade, and revised to reflect the amendments to the application for the closing and conveyance of streets and lanes. The size of the lot has increased by 718.4 sq.m. and the proposals respecting the Dunfield building and Wood Gundy facade comprise approximately 8 757 sq.m. As the revisions are a significant improvement to the proposal, the Official Plan Amendment should provide for the transfer of 55 000 sq.m. of non-residential gross floor area to the Scotia Plaza development lands from the Waterpark Place lands.

The Scotia Plaza proposal applies to a site of exceptional prominence, located in the heart of the Financial District. The area surrounding the intersection of King and Bay Streets contains the major centres of national financial activity. It is the location of the most valuable land and the tallest buildings. The pattern of high buildings in this area creates Toronto's interesting and unique skyline. High buildings at high densities are encouraged by the Official Plan and Zoning By-law, to reinforce the visual and functional pattern. The Scotia Plaza site has access to a variety of arterial road facilities and its access to transit is among the highest in the Central Area.

The proposal to develop a new world headquarters for one of Canada's leading banks in a 68-storey tower through the proposed transfer of commercial and residential density, in conjunction with the preservation of the existing landmark bank building and other historic buildings, is appropriate to this prominant location. The Official Plan Amendment should provide for an increase of 55 000 sq.m. of non-residential gross floor area above that generally permitted by the Official Plan on the Scotia Plaza development lands.

10.2.3 Historic Building Bonus

The Official Plan in Sections 1.1(h) and 1A.42(a) provides that Council will take appropriate steps to ensure that buildings of historical and architectural merit are preserved as described elsewhere in this report. The proposal for Scotia Plaza involves the retention of portions of the Bank of Nova Scotia, the National Club and the Dunfield buildings. The owner has also agreed to preserve the facade of the Wood Gundy building at 36 King Street West and to relocate it to the Adelaide Street West frontage of the lot as a condition of the non-residential density that would be permitted by the Rezoning.

In terms of the Official Plan the owner is requesting that the non-residential gross floor area contained in the retained portions of the three historic buildings: Bank of Nova Scotia, National Club and Dunfield buildings be excluded from the calculation of the maximum permissible density of the new development.

Both the Official Plan and Zoning By-law condition the entitlement to this density on the continuation of the relevant portions of the historic buildings other than the Wood Gundy facade.

My preliminary report on the Scotia Plaza proposal, which described in detail the reasons why an Official Plan Amendment should be supported to exclude the non-residential gross floor area of the buildings to be retained in conjunction with the proposal, contained the following conclusion:

> "Provided that the site planning, retention of historic buildings, and the treatment of streetscapes are resolved to the satisfaction of the City, it would be appropriate to provide incentives, additional to those now available in the Official Plan, to the applicants to encourage the satisfactory integration of new development with those signficant historic buildings, to encourage the stabilization of the Bay Street Canyon, an area of special identity, by retention of the historic buildings, and to ensure that the building form and its resulting impact on the skyline is appropriate to this prominent location. It is proposed that the entire floor area of the historic buildings retained in this development be exempt from the calculation of density under the Official Plan, provided that the Bank of Nova Scotia building, the Dunfield building (or an appropriate portion of it) and the facade of the Wood-Gundy building are designated under the Ontario Heritage Act and heritage easement agreements in the City's standard form are used to secure the preservation and maintenance of these buildings in a manner satisfactory to the City.

> The retention and re-use of the group of historic buildings on Yonge Street, including the Dunfield building, among other things, is considered an important objective, among other things, is considered an important objective for this block. In order to encourage this, it is proposed that 100% of the historic building retained be exempt from the calculation of density. It is appropriate to consider these lands as part of the lot, as proposed, provided that the Dunfield building is retained in a manner satisfactory to the City.
>
> As only the facade of the Wood Gundy building is to be retained, it is proposed that its retention and re-use in a satisfactory manner, including a heritage easement agreement, be a condition of the non-residential gross floor area to be permitted by the proposed amendment."

My subsequent discussions and negotiations with the applicants respecting the preservation of these buildings have been premised on the position set out above.

Since my December 10 report, as noted elsewhere in this report, the National Club has been included in the Scotia Plaza development application, and the applicants have requested that it be treated in a similar manner: existing non-residential gross floor area to be retained in conjunction with the Scotia Plaza development would be exempt from the calculation of non-residential gross floor area, the facade would be subject to a Heritage Easement Agreement. The National Club is already designated under the Ontario Heritage Act.

Further, as far as the Wood Gundy facade is concerned, my December 10 report stated that the proposed density exemption for historic buildings would be conditioned on, among other things, designation under the Ontario Heritage Act and a Heritage Easement Agreement. Since that time, I have been advised that, as the Wood Gundy building is to be demolished, except for the facade which is to be dismantled and re-erected at a difference location, the Toronto Historical Board considers designation to be inappropriate. A Heritage Easement Agreement could be made in respect of the facade. I will be reporting further on the Wood Gundy facade.

The existing Bank of Nova Scotia building at 44 King Street West is a focal element in the "Bay Street Canyon". This feature of the development of the Financial District on Bay Street, between King and Queen Streets, is created by large masonry buildings, built with minimal setbacks from Bay Street and each other and with significant building heights. The Bank of Nova Scotia and the adjacent National Club help to define a low podium for the streetscape and together constitute a significant part of the "Canyon".

Together with representatives of the Toronto Historical Board, I have discussed with the representatives of the applicants changes to the historic bank building necessary to permit its incorporation in a new development. Details of certain of the proposed changes appropriate to Development Review are described in Section 5 of this report. I will be reporting further on this matter.

The retention of the National Club and its incorporation in the "lot" further assists in the definition of the "Bay Street Canyon". The height of the National Club building matches the lower podium of the bank building. The detailing of the facade and its relationship to the street are to be protected. The relationship between the two buildings is important in defining the context of the "Canyon".

The Dunfield building, located on Yonge Street, forms part of a group of buildings that define the scale of building on the City's most important pedestrian street. The applicants have agreed to retain and re-use the portion of the building that defines the Yonge Street streetscape. The use of the retained portion of the building for retail uses would be consistent with the planning objectives for this site.

The facade of the Wood-Gundy building is to be relocated to the Adelaide Street portion of the site. The request of Council at its meeting of October 7 and 8, 1982, was to integrate this facade into the new project. I indicated in my preliminary report that the applicants have agreed to reconstruct the facade in conjunction with the Adelaide Street development. I also indicated that no density bonus should be available in respect of the Wood Gundy facade.

As I indicated in my preliminary report, earlier proposals for the site involved the demolition of the historic bank building and made no provisions for the National Club.

In my opinion, retention of these buildings, including all street facades and significant interior features, in the Scotia Plaza development, as described in this report, constitutes appropriate grounds for granting the density exemption sought by the applicants in respect of these historic buildings. Based on the foregoing, I am prepared to recommend the necessary provision in the Official Plan Amendment and rezoning to permit the exclusion from density calculation of the existing non-residential gross floor area of 44 King Street West, 303 Bay Street and 102 Yonge Streets retained in conjunction with the Scotia Plaza development.

I am prepared to recommend the non-residential density proposed for the Scotia Plaza development based on the following considerations:

(a) that the amount of non-residential density permitted on the site at 10 Bay Street be reduced by 56 100 sq.m. of gross floor area which is equivalent to the transfer of 55 000 sq.m. of non-residential gross floor area to the Scotia Plaza site;

(b) that a residential density of not more than 36 units be permitted to remain on the National Club portion of the Scotia Plaza site;

(c) that the remaining residential density of 484 units presently permitted on the Scotia Plaza site be transferred to 10 Bay Street in the form of 49 443.5 sq.m. of gross floor area for residential use;

(d) that the general provision of the Official Plan respecting the conditions of sale of public streets and lane will not apply for the reasons set out in Section 6 of this report;

(e) that further exemptions provided by the general provisions of the Official Plan would not apply to their site;

(f) that the Bank of Nova Scotia building at 44 King Street West and the Dunfield Building at 102 Yonge Street will be designated as having architectural or historic value or interest under the Ontario Heritage Act after building permits have been issued for Scotia Plaza;

(g) that Agreements pursuant to Section 37 of the Ontario Heritage Act between the City and the owner will protect these buildings (or portions to be retained in the case of the Dunfield building at 102 Yonge Street) as well as the Wood Gundy facade which would be relocated to the Adelaide Street frontage of the development lot;

(h) that provision for a workplace daycare centre to accommodate at least 50 children would be made in an agreement with the City; and

(i) that an agreement would be made with the City providing for conveyance to the City of land capable of supporting an appropriate number of assisted housing units.

11. Official Plan Provisions

This section describes the Official Plan Amendment that I am recommending to permit the Scotia Plaza development arrangements as described in the foregoing sections of this report. A draft Official Plan Amendment is contained in Appendix D to this report. The Official Plan Amendment required for the Royal Bank lands is described in Section 7.

The proposed amendment applies to all the lands in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street which are owned or controlled by Scotia Realty Ltd. represented by the Campeau Corporation. These include the existing Bank of Nova Scotia site at the corner of King and Bay at 44 King Street West and the adjacent properties at 30, 32, 34 and 36 King Street West up to the Royal Bank Building. On the north side of the block they include 11, 17, 21, 23, 25 and 29 Adelaide Street West and two properties at 102 and 106 Yonge Street. A part of the Royal Bank property at 20 King Street West and known for municipal purposes as 11R Adelaide Street West is to be severed and acquired by Scotia Realty Ltd. The applicants also propose including in the development lot the whole of Johnson Street and a portion of a public lane extending from Bay Street and located to the east of the National Club if they are closed and conveyed to the applicants, if authorized by Council. The revised application excludes Grand Opera Lane from the lot; however, the two properties on Yonge Street, although separated from the others by the lane, would be considered to be part of the development lot for the purposes of the Official Plan and the Zoning By-law.

The proposed amendment provides that the site of Scotia Plaza be considered as one lot regardless of the number of distinct buildings that are built on it or the separation of a part of the site by a public lane.

The proposed amendment provides that the maximum non-residential gross floor area to be permitted on the development lot is 210 262.8 sq.m. and that the maximum residential to be permitted on the development lot is 36 units.

To permit this proposed maximum density, the proposed amendment provides that the site be exempted from Sections 3A.4(b) to 3A.4(e) of the Official Plan which provide the general maximum densities for commercial, institutional and residential development in the Financial District. The proposed amendment also exempts the site from Sections 3A.5(a), 3A.5(b) and 3A.5(d) which provide for other special residential uses and Section 3A.5(e) which provides a formula for street-related retail and service uses of general application to the Central Core, but which would be inappropriate in respect of the Scotia Plaza development lot.

The proposed amendment provides that the non-residential density would be subject to several conditions which have the following effect:

(a) that the amount of non-residential density permitted on the site at 10 Bay Street be reduced by 57 100 sq.m. of gross floor area which is equivalent to the transfer of non-residential gross floor area to the Scotia Plaza site;

(b) that the remaining residential density of 488 units presently permitted on the Scotia Plaza site be transferred to 10 Bay Street in the form of 49 443.5 sq.m. of gross floor area for residential use; and

(c) that the Bank of Nova Scotia building at 44 King Street West, the Dunfield building at 102 Yonge Street and the National Club at 303 Bay Street continue to remain erected.

It is intended that this link between the continuation of the historic buildings and the density entitlement on the Scotia Plaza lot will terminate when the Heritage Easement Agreements respecting the Bank of Nova Scotia, the Dunfield building, the National Club and the Wood Gundy facade terminate. An agreement between the owners and the City will provide that when the Heritage Easement Agreements terminate it is the intention of the parties (although not binding on Council for legal reasons) that the Official Plan Amendment and amendment to the Zoning By-law will be amended to delete the conditions dealing with the continuation of these buildings. From and after the date on which the amendments to delete these conditions are effective, the intent is that the owners would remain entitled to the same amount of density as during the continuancy of the Heritage Easement Agreements.

The proposed amendment removes the possibility of any further density being added to the site through the exemptions or bonuses for community services and facilities, retention of buildings of architectural or historic merit, and pedestrian walkways contained in Sections 1A.35(a), 1A.42(b) to (d), and 1A.47(b) by specifically providing that such sections do not apply to the development lands.

The proposed amendment also provides that Section 1A.46(a) containing provisions respecting the closing and conveyance of streets and lanes does not apply to the development lands. As discussed in Section 6, the particular arrangements I am recommending for the closing and conveyance of Johnson Street and the portion of the public lane are not in compliance with the letter of the conditions set out in Section 1A.46(a), although consistent with the spirit of the provision.

12. Zoning By-law Provisions

This Section describes the amendments to the Zoning By-law that I am recommending to permit the Scotia Plaza development. Section 7 contains a description of the zoning amendments required for the Royal Bank lands.

Draft zoning by-laws applicable to the Scotia Plaza development lot are contained in Appendix D to this report. Draft zoning by-laws applicable to the Royal Bank lands are contained in Appendix E.

12.1 Definition of Lot

The draft amendment contained in Appendix D provides that the development lot, for the purposes of applying the provisions of the Zoning By-law, comprises the whole of the following lands:

- 44 King Street West - the property associated with the Bank of Nova Scotia
- 30-36 King Street West, 11, 11R, 17, 21, 23, 25 and 29 Adelaide Street West - the property controlled by Scotia Realty, including lands to be acquired from the Royal Bank;
- 102 and 106 Yonge Street - the property associated with the Dunfield building;
- 303 Bay Street - the property associated with the National Club; and
- portions of Johnson Street and the public lane for which the applicants have made application for closing and conveyance.

It also provides that the general provisions of the Zoning By-law respecting the general definition of lot does not apply; instead the draft by-law provides that more than one building may be erected on the lot and that a portion of the development lot may be separated by Grand Opera Lane from the other portion of the site.

Having regard for the importance of historic buildings, streetscape concerns and to provide the City with assurance that the proposed development proceeds in accordance with the principles outlined in this report, the draft by-law provides for the definition of a number of parcels on the development lot for zoning purposes as follows:

- Part A of the development lot is the parcel of land on which the National Club is now erected, i.e., 303 Bay Street.
- Part B of the development lot is the parcel of land on which the Bank of Nova Scotia building is now erected, i.e., 44 King Street West with an adjusted eastern boundary.
- Part C is the portion of the site upon which the tower and associated retail/office areas are to be located west of Grand Opera Lane.
- Part D consists of the two parcels of land fronting on Yonge Street, the site of the Dunfield Building and an adjacent bank building. These will be deemed to be part of the development lot notwithstanding that they are separated from the balance of the lot by Grand Opera Lane.
- Part E is defined in the By-law as the portion of the site to be transferred to the City as a public lane. A portion of the ramp leading to the Scotia Plaza parking garage is to be constructed below grade on this portion of the development lot.

12.2 Distribution of Density

For the purposes of the proposed amendments to the Zoning By-law, the maximum density, calculated over the entire development lot and the total is assigned to the different parts described above to reflect the density to be reserved for the three historic buildings which are to be retained. The site has been divided into five (5) parts for the purposes of the draft Zoning By-law amendment, as described above and as shown on Figure 2 attached to this report. The draft by-law provides that the maximum non-residential gross floor area to be permitted on the development lands would be 210 262.8 sq.m.

The draft by-law provides that on Part A, the Part on which is located the National Club, a total non-residential gross floor area of 4 782.6 sq.m. be permitted. The rights to a residential density of 400 units per hectare, or 36 dwelling units, available to the National Club site, as lands situated in the Financial District, would be retained. The non-residential gross floor area is comprised of 4 509 sq.m. in the retained portions of the National Club together with 273.6 sq.m. of non-residential gross floor area representing the unused density entitlement for street-related retail and service uses (.3 times the area of the lot).

The draft by-law provides that on Part B, the part on which is located the existing Bank of Nova Scotia, a total non-residential gross floor area of 48 423 sq.m. be permitted. This consists, in part of 46 253 sq.m. which is the gross floor area of the existing Bank of Nova Scotia building at 44 King Street West. In addition to this existing gross floor area, the proposed zoning of Part B allows for new construction of 2 170 sq.m. of non-residential gross floor area to be contained in the atrium linking the existing bank to the new office tower.

The draft by-law provides that on Part C, the Part on which is located the 68 storey office tower and the relocated and integrated Wood Gundy facade, a total non-residential gross floor area of 153 729.2 sq.m. would be permitted.

The draft by-law provides that on Part D, on which is located the Dunfield building and 106 Yonge Street, and which is separated from the balance of the lot by Grand Opera Lane, a total non-residential gross floor area of 3 328 sq.m. would be permitted. The non-residential gross floor area is comprised of 256 sq.m. in the portion of the Dunfield building to be retained combined with 3 072 sq.m. of new construction linked to the existing building.

The draft by-law provides that on Part E, the Part which is to be conveyed to the City for public lane purposes, with the subsurface rights reserved by the applicants, following the erection of a sub-surface structure and the improvement of the lane, the density entitlement would be included in the development lot as it stands prior to conveyance. The lane is proposed to provide access for servicing purposes from Adelaide Street West to the east side of the National Club and the Woolworth store.

The draft by-law contains a condition that portions of the building to be retained on 303 Bay Street, 44 King Street West and 102 Yonge Street continue to be erected at their present locations. As explained in Section 10.2.3., another agreement will state the City's and the parties' intention to be that this link between the historic buildings and the density entitlement on the Scotia Plaza lot will terminate when the Heritage Easement Agreements in respect of 44 King Street West, the Dunfield building and the National Club terminate, at which time the owners' entitlement will be to the full density permitted by the by-law whether or not these historic buildings continue. As is discussed above in describing the draft Official Plan, in the event that the portions of these buildings which are to be retained are destroyed by fire, explosion or Act of God, the replacement of an amount of non-residential gross floor area equal to that existing will be permitted. If loss occurs, those portions which are destroyed would be considered to continue to be in existence for the purpose of the Zoning By-law. It is proposed to provide in Heritage Easement Agreements for a duty to reconstruct in the event of damage by fire etc. and a duty to insure. I will be reporting further on the Heritage Easement Agreements and other agreements.

The density calculations outlined above are in part conditional on the provision of street-related retail and service uses. The draft by-law requires a minimum of 84.5 metres of frontages on Part B that face street-related retail or service uses. In addition, there is a further condition that 28.5 metres of the frontages of Parts C and D face street-related retail or service uses.

12.3 Height Limits

As discussed in Section 5 of this report, the conservation of the historic buildings has been a primary objective of my discussions with the applicants. I am recommending that the Zoning By-law should provide for the protection of the buildings while at the same time providing height limits respecting new construction that permit the recommended density to be developed on the development lot in a manner that reflects my discussions with the applicants.

The draft by-law establishes height limits for the development lot as shown on Figure 3 of this report. The limits are shown as maximum permitted height above grade and vary for different parts of the development lot.

12.4 Other Zoning Matters

The draft by-law requires, in addition to those items previously discussed, that on the development lot not fewer than 450 parking spaces, 9 Type B loading spaces and 7 Type C loading spaces be provided and maintained. The by-law further provides that of this number, 26 parking spaces, 2 Type B and 2 Type C loading spaces may be used in fulfillment of the parking and loading requirements for the Royal Bank building at 20 King Street West as explained in Section 7.4. The Commissioner of Public Works has reviewed the proposed development and is satisfied with the above parking and loading facilities proposed to serve the Scotia Plaza development and the Royal Bank building inasmuch as they are generally consistent with By-law No. 236-83, the Central Area Parking and Loading By-law. The By-law would also provide that not less than 1 538.9 sq.m. of common outdoor space be provided and maintained on the development lot as explained in Section 4.3.6.

12.5 Exemptions

In order to give effect to the zoning provisions outlined above, the draft by-law exempts the development lot from the provisions of certain sections of By-law No. 20623, as amended. These include:

Section 2(63A) - definition of "loading space - Type A";
Section 2(63B) - definition of "loading space - Type B";
Section 2(63C) - definition of "loading space - Type C";
Section 4(11) - reduction of lot area, severance of lot;
Section 4(12)(c) - amount of non-residential gross floor area;
Section 4(12)(d) - provision relating to existing buildings in respect of residential additions as it relates to the mixing formula constant;
Section 4(12)(e) - amount of residential density;
Section 4(12)(f) - specifies mixing formula constant;
Section 4(12)(h) - assisted housing provisions;
Section 4(12)(i) - special housing provisions;
Section 4(12)(m) - height limit provisions;
Section 4(13) - parking provisions;
Section 4(13a) - Central Area parking provisions;
Section 4(14) - loading provisions;
Section 4(14a) - Central Area loading provisions;
Section 12A(2)(a) - community services or facilities and pedestrian walkway provisions;
Section 12A(2)(b) - street-related retail and services provisions;
Section 12A(2)(f) - street-related retail and services provisions respecting existing buildings;
Section 12A(2)(g) - exemption date for existing buildings; and
Section 12A(5) - common outdoor space provisions.

The applicable draft by-law contain height limits as discussed in Section 12.3, and therefore provides that the site be exempted from the height map 50G-323 contained in Appendix "B" to By-law No. 20623.

12.6 Exemption from Parking and Loading By-law No. 236-83

Further to the provisions of the draft by-law contained in Appendix D, in order to give effect to the arrangements respecting parking and loading described in this report, it is necessary to exempt the development lands from the provision of the Central Area Parking and Loading By-law (By-law No. 236-83). Such a draft by-law is contained in Appendix D to this report.

13. Legal Instruments

13.1 Heritage Easement Agreements

The standard form of Heritage Easement Agreement, prepared in June, 1980 by the City Solicitor and on file with the City Clerk, will require certain amendments and modifications to reflect the particular arrangements described in Section 5 respecting three historic buildings: the Bank of Nova Scotia, National Club and Dunfield building and the Wood Gundy building facade. As I indicated in Section 5, I will be reporting further on the necessary Agreements in respect of these historic buildings and facade on the Scotia Plaza development lands.

13.2 Development Agreement

The applicants have submitted drawings for development review for parts of the Scotia Plaza development lot in conjunction with application for the amendments to the Official Plan and Zoning By-law. No application for development review has yet been received. The drawings have been circulated for review as outlined in Section 3.1 and comments received on all but the most recent minor revisions.

The review process has resulted in significant improvements to the buildings and the open spaces around them. Considerable effort has been put into the resolution of the landscaping and form of the open areas of the site. Unfortunately, these issues still remain unsettled as indicated in the comments of the Commissioner of Parks and Recreation on September 7, 1983. The present plans do not indicate the landscaping details which must eventually be submitted for Council approval. I will report further on this matter.

The National Club building is to be retained on Part A of the development lot without significant change. No application or drawings have been received for development review for this part of the lot. When such an application is made I will determine whether a Section 40 Development Agreement is required.

Part D of the lot fronting on Yonge Street is separated from the rest of the lot by Grand Opera Lane. Because of the physical separation of these lands from the main portion of the development lands, I will be reporting further on whether a development Agreement should be entered into for this part distinct from the rest of the lot.

The Development Agreements should deal with:

- the conveyance to the City of the area required for a public lane connecting to Adelaide Street while leaving the owner rights of encroachment below grade for the construction of the parking ramp;
- the provision of publicly accessible walkways at or below grade both inside and outside of the buildings;
- the provision of landscaping, appropriate garbage storage facilities, parking spaces for disabled persons and signage and control measures for parking and loading areas.

These and other issues will be the subject of a separate report on development review to be considered by Council prior to the passing of by-laws respecting Scotia Plaza.

13.3 Master Agreement

An agreement between the City and the parties involved in the Scotia Plaza development, i.e., the Bank of Nova Scotia, Scotia Realty, Campeau Corporation, and for limited purposes, the Royal Bank, Globe Realty, and the National Club, will be necessary to deal with the following, among other matters:

- Scotia Plaza daycare commitment;
- future Heritage Easement Agreement for Wood Gundy Facade;
- designation of 44 King Street West and 102 Yonge Street;
- timing of construction of the Adelaide Street building;
- Wood Gundy facade - demolition, storage, reconstruction;
- demolition of buildings on the development lot;
- future closing and conveyance of lane abutting the National Club;
- future construction and conveyance of new north-south lane at no cost to the City;
- parking and loading arrangements for the Royal Bank;
- below-grade pedestrian tunnel connection to King Street station of the Yonge subway;
- improvements to pedestrian access to King Street subway station;
- development of 102 and 106 Yonge Street lands;
- intention to repeal the density limits on termination of Heritage Easement Agreement;
- repeal of Official Plan Amendment and By-laws if all which apply to Waterpark Place, Scotia Plaza and 20 King Street West do not come into force;

- preliminary closing date; and
- unwinding date for repeal of all by-laws if any do not come into force by a stipulated date.

I will be reporting further on this matter.

Recommendations:

1. That, after the form of agreements necessary to implement this report and further reports referred to herein, and the amendments to the Building Scheme Agreement and other agreements referred to in my companion report to the Land Use Committee dated March 2, 1984, and entitled "Final Report on Application No. 1629 on Amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street", and further reports referred to therein, have been approved by the relevant parties, other than the City, and a formal application for an amendment is made by the Royal Bank, the Land Use Committee hold a public meeting as required by the Planning Act in respect of a proposed Official Plan Amendment for the Scotia Plaza development lands, substantially in the form of the draft amendment contained in Appendix D, and in respect of a proposed Official Plan Amendment for the Royal Bank lands, substantially in the form of the draft amendment contained in Appendix E.

2. That, after the public meeting referred to in Recommendation 1 has been held, and the form of the necessary agreements to implement this report have been approved by the relevant parties, other than the City, Council adopt the amendments to the Official Plan referred to in Recommendation No. 1.

3. That, when the form of agreements necessary to implement this report and further reports referred to herein, and the amendments to the Building Scheme Agreement and other agreements referred to in my companion report to the Land Use Committee on Waterpark Place, and further reports referred to therein, have been approved by the relevant parties, and a formal application for an amendment is made by the Royal Bank, the Land Use Committee hold a public meeting as required by the Planning Act in respect of a proposed amendment to the Zoning By-law for the Scotia Plaza development lands in the form of the draft amendment contained in Appendix D and a proposed amendment to the Zoning By-law for the Royal Bank lands in the form of the draft amendment contained in Appendix E.

4. That:

   (a) after the Official Plan Amendments referred to in Recommendation 1 have been approved pursuant to the Planning Act, 1983, and

   (b) the necessary agreements to implement this report and my separate report to the Executive Committee on the acquisition of the preferred site and my separate report on Waterpark Place have been executed and registered against the title to the lands to which they apply, and

   (c) after City Council has authorized the closing and conveyance of the street and portions of a lane referred to in this report, having considered the report of the Commissioner of Public Works and the recommendations of the City Services Committee and the conveyances having taken place, and

   (d) Council has approved plans and drawings for the Scotia Plaza development under Section 40 of the Planning Act, 1983;

   subject to Council passing the amendments to By-law No. 255-69, as amended, as recommended in my concurrent report to the Land Use Committee on Waterpark Place at the same meeting as the amendments to the Zoning By-law referred to in Recommendation 3, Council enact the amendments to the Zoning By-law referred to in Recommendation 3.

5. That I be requested to report further on the specific matters set out in this report.

6. That the Commissioner of Planning and Development, in consultation with the City Solicitor, the Commissioner of Property and the Task Force on Workplace Daycare, be requested to report to the Neighbourhoods Committee respecting the Scotia Plaza daycare commitment as recommended in this report.

Appendix A

Comments from Civic Officials

A. Commissioner of Buildings and Inspections (November 14, 1983)

"Zoning

Proposed Use: Office, retail store building containing 64 storeys with underground parking garage

Designation: CRL8U400 Map No.: 50G-323

Plans: Dated January 18, 1983 , April 12, 1983 and August 26, 1983 (revised) and prepared by Webb, Zerafa, Menkes, Housden Partnership - Architects

Submitted data and information indicate that the proposal does not comply with the Zoning By-law in the following way:

1. All buildings shall be assigned a defined part of the lot at the time of the building permit application (Section 2(64)).
2. A fully referenced survey will be required.
3. Proposal exceeds the maximum non-residential gross floor area of 7.7 times the area of the lot. No common outdoor space is indicated.
4. Loading to be provided in accordance with the provisions of Section 4(14a).
5. Proposed loading spaces Type "C" are not located on the first level below grade (Section 2(63c)).
6. Parking to be provided in accordance with the provisions of Section 4(13a).
7. All vehicular ramps to be provided in accordance with the provisions of Section 4(6).
8. Streets and lanes must be properly stopped-up, closed and conveyed prior to their incorporation in the site.

Building Code

The issuance of the building permit(s) will be conditional upon the proposal's full compliance with all relevant provisions and requirements of the Ontario Building Code."

B.1 Commissioner of Parks and Recreation (February 4, 1983)

"In reply to a communication from the Department of the City Clerk dated January 20, 1983, I advise this Department has no objections to the above application as it appears the park and recreational facilities in the area meet with the requirements of Part I of the City of Toronto Official Plan as amended."

B.2 Commissioner of Parks and Recreation (April 29, 1983)

"In reply to a communication from the Department of the City Clerk dated April 19th, 1983, concerning the above, I advise that a detailed landscape plan is requested showing species, sizes and quantities of all landscape material.

There are five City-owned Maple trees on the Adelaide Street frontage. The requirements concerning City-owned trees are:

- City-owned trees must not be removed.
- There must be no excavation within eight feet (2.4 m) of the bases of the trees.
- It is desirable that only paving which allows for the penetration of air and water within eight feet (2.4 m) of the bases of the trees be installed; four feet (1.2 m) is considered minimal unless exceptional circumstances dictate otherwise. Open or sand joints are acceptable when combined with such materials as granite setts, brick or tile pavers when laid on a sand base.
- There must be no pruning of the crowns of the trees. All requests for pruning must be submitted to the Forestry Section of the Parks Division. This Section must be notified at least 24 hours prior to any construction in the vicinity of the trees. The telephone number if 947-7281."

B.3 Commissioner of Parks and Recreation (September 7, 1983)

"In reply to your letter of August 29, 1983 concerning the above application, I advise my Department finds the landscaping plan unacceptable.

There is concern with the lack of soft landscaping for this prodigious development. A few trees in a mass of hard surface treatment, no grassed areas and no visible seating areas for the public leaves a lot to be desired."

C. Commissioner of Metropolitan Planning (July 11, 1983)

"As requested, we have evaluated the above-noted preliminary proposal within the context of Metropolitan development and planning principles and policies.

The uses proposed and the drawings dated April 20, 1983, which Metropolitan officials have reviewed, do not present a concern from our perspective. However, the density proposed is a matter requiring careful consideration.

Analysis by staff indicates that the Metropolitan transportation system, as existing, can accommodate the development. However, if the same principle of granting a bonus density equal to the floor area of the existing historic structure were applied in future to other sites in the area, then very serious transportation concerns could emerge. By way of illustration, we note that the Toronto Dominion Centre, First Canadian Place and Commerce Court have approximate floor space indices of 11.8, 12.0 and 13.7 respectively. Each of these developments has architectural merit and in the future will be recognized as historically significant. Theoretically, the equivalent bonus system could result in an average floor space index of about 20 on those three sites. While probability of redevelopment of those sites is in no way contemplated at this time, we nevertheless suggest that unforeseen economic and market pressures of the future may completely upset today's logic. We must therefore examine any precedent which may be established by the proposal.

It is our understanding that Section 1A.42(b) of the City of Toronto Official Plan permits the provision of a bonus density of 2.0 times the lot area within the Financial District for the purposes of historic preservation. In this instance, the allowable density would be increased by an amount equivalent to 4.3 times the lot area, or in this case, the amount of gross floor area equal to the existing building. It appears that the additional bonus has been granted because of the special difficulties, site planning problems and additional costs the applicant must bear to stabilize and refurbish the bank structure, and to effectively integrate it with the new component of the development. Moreover, the applicant, by preserving the existing building and related historic facades and integrating creatively with new development, will significantly maintain a portion of the so called "Bay Street Canyon" and ensure a built form and skyline consistent with and appropriate to this prominent location.

We concur that every reasonable means be taken to ensure preservation of the Bank of Nova Scotia Building. However, for the reasons stated, we recommend that the Official Plan Amendment required to permit this development be worded in a manner which explicitly states that the density bonus granted for the preservation of the historic structures is subject to availability of adequate transportation facilities to serve the development. In this way, any precedent by granting of such bonus is qualified by a test which would apply to similar sites in the future."

D. Toronto Historical Board (February 16, 1983)

"1. Background:

At its December 13th, 1982 meeting, the Land Use Committee adopted a covering report (December 10th, 1982) from the Commissioner of Planning and Development which recommended the adoption of recommendations contained in his December 10th, 1982 report, entitled 'Preliminary Report on Application No. 1633 by Campeau Corporation and the Bank of Nova Scotia for amendments to the Official Plan and Zoning By-Law for Scotia Plaza' in the block bounded by Adelaide St. West, Yonge Street, King St. West and Bay Street. One of the recommendations of the Preliminary Report was that, upon receipt of a revised Application No. 1633, the application be forwarded to various officials for their comments, such comments to include any matters they may wish to see included in a development agreement and to be forwarded directly to the Commissioner of Planning and Development.

2. Discussion:

The site of the proposed development includes the following buildings included on the City of Toronto's Inventory of Buildings of Architectural and Historical Importance: 44 King St. West (Bank of Nova Scotia), 102 Yonge Street (Upper Canada Bible and Tract Society, later Dunfield and Company), and 36-38 King St. West (John Kay Store, later Wood-Gundy).

Initially the development concept involved the demolition of all of the listed buildings. The Board's architect subsequently met with representatives of the owner and the City of Toronto Department of Planning and Development to review the importance of these buildings and to discuss their incorporation into the development plan.

At its January 25th, 1983 meeting, the Review Committee of the Toronto Historical Board gave consideration to the resulting proposed development. The Committee was advised that the applicant intend to retain the exterior and the important elements of the interior of the Bank of Nova Scotia building at 44 King St. West and the front portion of the Upper Canada Bible and Tract Society, later Dunfield and Company building at 102 Yonge Street.

The Review Committee gave consideration to a request (January 24th, 1983) from Mr. R.P. Gerad, Executive Assistant to the Chairman, Bank of Nova Scotia, for consideration of the designation of 44 King St. West and 102 Yonge Street, under Part IV of the Ontario Heritage Act. The Committee decided to recommend that the properties be designated. On February 8th, 1983, the Toronto Historical Board adopted these recommendations. Reports recommending designation of these two properties and specifying the reasons for designation are to be forwarded directly to the Neighbourhoods Committee.

The Review Committee was also advised that heritage easement agreements for 44 King St. West and 102 Yonge Street were also being required as a condition of project approval. The applicant has been advised of the requirement for two (2) sets of recent black and white glossy 8" X 10" photographs of each of the two buildings, fully illustrating the features of significance. Upon receipt of the required photographs the Board will prepare the 'Schedule B' of the heritage easement agreements to send to the City Legal Department.

The Review Committee was also advised that the bank intends to demolish the former John Kay Store, later Wood-Gundy building, at 36 King St. West and to re-erect the facade at a new site on Adelaide St. West. It was noted that a bonus would not likely be recommended for the re-erection of the facade in a new location.

It was suggested that the possibility of incorporating into the development the statues from the Manning Arcade, which had once stood near this site on King St. West, be investigated.

Recommendations

1. That as a condition of the Official Plan amendment and rezoning, the City enter into heritage easement agreements under Section 37 of the Ontario Heritage Act with the owners of 44 King St. West (Bank of Nova Scotia) and 102 Yonge Street (Upper Canada Bible and Tract Society, later Dunfield and Company), using substantially the form of easement agreement prepared in June 1980 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor.

2. That authority be granted for the introduction of any necessary Bills in Council to give effect thereto.

3. That the owners be requested to provide the Toronto Historical Board with two (2) copies of the required photographs of 44 King St. West and 102 Yonge Street for inclusion in the easement agreements.

4. That, as a condition of the Official Plan amendment and rezoning, the properties at 44 King St. West and 102 Yonge Street be designated under Part IV of the Ontario Heritage Act in accordance with Toronto Historical Board reports to be forwarded directly to the Neighbourhoods Committee."

E.1 Commissioner of Public Works (March 15, 1983)

"The proposal is to construct a new 66-storey world headquarters for the Bank of Nova Scotia on the above noted site, in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street. The new building will be connected to the bank's existing building at the north-east corner of King Street West and Bay Street. Some 480 parking spaces are proposed on the site in an underground garage with access off Adelaide Street West.

Impact on the Noise Climate

The applicant have submitted a satisfactory Noise Impact Statement.

Refuse Handling, Storage and Disposal

The City will provide the project with regular curbside garbage collection service in accordance with the provisions of By-law No. 20298. The applicant should be required to provide and maintain garbage storage areas, as set out in Recommendation No. 2, below.

I should note that By-law No. 20298 limits the amount of garbage that can be collected from each commercial establishment, other than restaurants, to 0.34 cubic metres per collection and it will be necessary for garbage in excess of this amount to be collected by a private collection firm.

Streets, Parking and Access

The site abuts Adelaide Street West and Yonge Street which are under the jurisdiction of the Metropolitan Corporation, and King Street West and Bay Street which are under the City's jurisdiction.

The site also abuts Johnson Street, Grand Opera Lane and the lane south of Adelaide Street West, extending easterly from Bay Street, thence southerly. An application has been submitted for the closing of Johnson Street and Grand Opera Lane, as well as the southerly portion of the public lane south of Adelaide Street West, to permit their incorporation into the site. I understand, however, that the applicant intends to revise the application to exclude the closing of Grand Opera Lane, to include the closing of the westerly portion of the lane south of Adelaide Street West, and to provide a new lane outlet to Adelaide Street West along the east side of premises No. 311 Bay Street to serve the truck court to be retained to the rear of premises Nos. 303 and 311 Bay Street. I will be reporting on the revised closing application to the City Services Committee, in accordance with the provisions of the Municipal Act, in due course.

The provision of 480 parking spaces to serve the Bank of Nova Scotia project is satisfactory on the basis of By-law 236-83, which I estimate would require some 454 parking spaces.

The proposed site includes lands owned by the Royal Bank to the rear of their building at premises No. 20 King Street West. These lands are presently used as a parking lot which, I understand, accommodates 26 parking spaces. Since sale of the lands will result in the loss of the Royal Bank's on-site parking supply, I am of the opinion that the applicant should be required to provide and maintain at least 26 replacement parking spaces in the proposed project for use by the Royal Bank. I should note that 26 parking spaces is substantially less than the estimated 63 parking spaces that would be required by the Royal Bank if the parking standards in By-law No. 236-83 were applied to the building.

Accordingly, the applicant should be required to provide and maintain a total parking supply in accordance with Recommendation No. 3, below.

The applicant should also be required to submit drawings showing the proposed layout of the parking spaces for both the Bank of Nova Scotia and the Royal Bank in accordance with Recommendation No. 4, below. The access ramp system to and in the garage should be constructed with slopes in accordance with Recommendation No. 5, below.

The provision of 9 Type B loading spaces to serve the Bank of Nova Scotia project exceeds the requirement for Type B loading spaces on the basis of By-law No. 236-83, and is satisfactory provided that, in addition, at least 5 Type C loading spaces are located in the underground parking garage.

The provision of an additional 3 Type B loading spaces on the site to serve the Royal Bank building at premises No. 20 King Street West, which will be deprived of its present loading facilities by the closing of Johnson Street, is satisfactory, provided at least 2 Type C loading spaces are also available for its use, as set out in Recommendation No. 6, below.

The proposed layout of the Type B loading spaces in the underground garage is satisfactory. The applicant should be required to submit drawings showing the proposed layout of the Type C loading spaces for my review and approval.

The proposed truck court to the rear of premises Nos. 303 and 311 Bay Street, with access from Adelaide Street West by way of a new public lane with a minimum width of 4 m, provides for the proposed closing of parts of the lane extending easterly from Bay Street, thence southerly, and is satisfactory to me.

The proposed layby on Adelaide Street West is not acceptable and should be eliminated.

Recommendations: I recommend that the applicant be required to:

1. Provide space within the development for the construction of transformer vaults, Hydro and Bell manholes and sewer manholes required in connection with the development;

2. Provide and maintain garbage storage areas at least 0.67 cubic metres in size in the office component of the project and in each retail store established;

3. Provide and maintain parking spaces for the Bank of Nova Scotia project in accordance with the requirements of By-law No. 236-83 and, in addition thereto, provide and maintain not less than 26 parking spaces on the site for use by the Royal Bank building at premises No. 20 King Street West, including the provision and maintenance of access thereto;

4. Submit drawings showing the proposed layout of the parking spaces, the Type C loading spaces and the circulation system in the underground parking garage for the review and approval of the Commissioner of Public Works;

5. Construct the access ramp system to and in the underground garage with a slope not exceeding 5% within 6 m of the south limit of Adelaide Street West and not exceeding 15% throughout the remaining portions;

6. Provide and maintain a minimum of 2 Type B and 2 Type C loading spaces on the site to serve the Royal Bank building at premises No. 20 King Street West, including the provision and maintenance of access thereto;

7. Eliminate the proposed layby on the Adelaide Street West frontage of the site; and

8. Apply to my Department for revised municipal numbering prior to filing a formal application for a building permit."

E.2 Commissioner of Public Works (April 12, 1981)

"I dealt with the original proposal for the above noted site, located in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street, in my report to you of March 15, 1983.

In connection with the proposal to close portions of the public lane south of Adelaide Street West, extending easterly from Bay Street, thence southerly, the applicant has submitted a revised plan which shows the proposed width of the new lane outlet to Adelaide Street West as 3.65 m instead of 4.0 m, as previously proposed. This revision is satisfactory to me."

E.3 Commissioner of Public Works (May 5, 1983)

"I dealt with the proposal for the above noted site, located in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street, in my reports to you of March 15 and April 12, 1983.

The plans for the project have now been revised under date of April 12, 1983, to, among other things:

1. Increase the number of parking spaces proposed on the site from approximately 480 to 560;
2. Increase the number of loading spaces proposed from 12 Type B spaces to 9 Type B spaces and 12 Type C spaces, including 3 Type B and 2 Type C loading spaces to serve the Royal Bank at Premises No. 20 King Street West;
3. Show the proposed layout of the parking and loading spaces and the circulation system in the underground garage;
4. Eliminate the proposed layby on the Adelaide Street West frontage of the site;
5. Incorporate Premises No. 106 Yonge Street into the project by bridging over and tunnelling under Grand Opera Lane.

The provision of 560 parking spaces on the site is satisfactory. The proposed layout of the parking spaces is satisfactory, provided driveway widths of 3.5 m for one-way operation and 5.5 m for two-way operation are provided in accordance with By-law No. 236-83.

The proposed layout of the loading spaces is satisfactory, provided a "Stop" sign is installed at the intersection of the access driveway to the loading facilities and the ramp to the underground parking facilities. The area to the west of the loading spaces provided for the Royal Bank should be maintained as a manoeuvring area for the trucks using the loading spaces to the north.

It will be necessary for the applicant to submit a separate application to me for the proposed bridge over and tunnel under Grand Opera Lane. In this regard, I note that a minimum vertical clearance of 4.3 m will be required under the bridge. The grade of the tunnel must provide for the construction of a lane pavement separated from the structural roof of the tunnel by a bond breaker. The structural roof must be designed to support H.20 loadings. The construction of the tunnel will require the abandoning of the existing sewer, regrading the lane south of the tunnel and the construction of a new manhole and catch basin north of the tunnel. The cost of this work, as well as any work required in connection with the relocation of any public utilities affected by the tunnel, will be chargeable against the project.

Recommendations: The Recommendations in my report to you of March 15, 1983, should be amended by deleting Recommendation Nos. 4 and 7, which have been satisfied, and adding Recommendation Nos. 9 and 10, as follows:

9. Install and maintain a "Stop" sign at the intersection of the access driveway to the loading facilities and the ramp to the underground parking facilities; and
10. Maintain the area to the west of the loading spaces provided for the Royal Bank building at premises No. 20 King Street West as a manoeuvring area for the trucks using the loading spaces to the north."

E.4 Commissioner of Public Works (August 9, 1983)

"I dealt with the proposal for the above noted site, located in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street, in my reports to you of March 15, April 12 and May 5, 1983.

The plans for the project have now been revised under dates of June 30 and July 11, 1983 to, among other things:

1. Incorporate the National Club property at premises No. 303 Bay Street into the site and to use the increased density to increase the height of the office tower from 66 to 68 storeys;

2. Decrease the number of parking spaces in the underground garage from 560 to 552 spaces and delineate the proposed one-way circulation system in the garage;

3. Locate a traffic control gate adjacent to the access ramp on the Service Level of the garage; and

4. Designate one Type B and 2 Type C loading spaces to serve the Royal Bank building at premises No. 20 King Street West.

The proposed location of the traffic control gate is unsatisfactory since it would require vehicles to stop on the access ramp. The gate should either be eliminated or relocated in accordance with Recommendation No. 11, below.

The provision of 1 Type B and 2 Type C loading spaces to serve the Royal Bank building is inadequate. In accordance with Recommendation No. 6 in my report to you of March 15, 1983, a minimum of 2 Type B and 2 Type C loading spaces must be provided. The proposed location of one of the Type B loading spaces to the west of the Royal Bank Type C loading spaces is not satisfactory, as this area is required for truck manoeuvring, in accordance with Recommendation No. 10 of my earlier report.

In view of the changes to the drawings and for the sake of clarity, the Recommendations in my report to you of March 15, 1983, as amended in my report to you of May 5, 1983, should be further amended by substituting Recommendation No. 10 with Recommendation No. 10 as restated below and adding Recommendation No. 11.

Recommendations:

10. Maintain the area to the west of the Type C loading spaces provided for the Royal Bank building at premises No. 20 King Street West as a manoeuvring area for the trucks using the Type B loading spaces to the north; and

11. Eliminate the traffic control gate proposed adjacent to the access ramp on the Service Level or relocate it to the east of the "secure" Type C loading spaces to be used by the Bank of Nova Scotia."

E.5 Commissioner of Public Works (August 31, 1983)

"I dealt with the proposal for the above noted site, located in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street, in my reports to you of March 15, April 12, May 5, and August 9, 1983.

In response to the recommendations in my report to you of August 9, 1983, the plans for the project have now been revised under date of August 15, 1983 (date stamped August 26, 1983, by your Department) to, among other things:

1. Designate two Type B and two Type C loading spaces to serve the Royal Bank building at premises No. 20 King Street East;

2. Provide an overhead door for bank security purposes immediately west of the two secure Type C loading spaces provided for the Bank of Nova Scotia, rather than adjacent to the access ramp; and

3. Designate a truck manoeuvring area opposite the truck elevators on the Service Level of the garage.

Although not strictly in accordance with Recommendation Nos. 10 and 11 in my report of August 9, 1983, these revisions are satisfactory to me and those recommendations no longer apply.

Having regard for the recent amendment of the Zoning By-law respecting maximum ramp slopes, Recommendation No. 5 in my report to you of March 15, 1983, is no longer necessary and should also be deleted.

In view of the number of revisions I have made to my original recommendations and for the sake of clarity, I have restated all of my recommendations which still apply below.

Recommendations: I recommend that the applicant be required to:

1. Provide space within the development for the construction of transformer vaults, Hydro and Bell manholes and sewer manholes required in connection with the development;
2. Provide and maintain garbage storage areas at least 0.67 cubic metres in size in the office component of the project and in each retail store established;
3. Provide and maintain parking spaces for the Bank of Nova Scotia project in accordance with the requirements of By-law No. 236-83 and, in addition thereto, provide and maintain not less than 26 parking spaces on the site for use by the Royal Bank building at premises No. 20 King Street West, including the provision and maintenance of access thereto;
4. Provide and maintain a minimum of 2 Type B and 2 Type C loading spaces on the site to serve the Royal Bank building at premises No. 20 King Street West, including the provision and maintenance of access thereto;
5. Install and maintain a "Stop" sign at the intersection of the access driveway from the loading facilities and the ramp to the underground parking facilities; and
6. Apply to my Department for revised municipal numbering prior to filing a formal application for a building permit."

E.6 Commissioner of Public Works (February 21, 1984)

"I dealt with the proposal for the above noted site, located in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street, in my reports to you of March 15, April 12, May 5, August 9 and August 31, 1983.

The plans for the project have now been revised to, among other things:

1. Reduce the number of parking spaces proposed in the underground garage from a minimum of 500 to a minimum of 450 and to revise the layout of the parking spaces;
2. Reduce the number of Type B loading spaces proposed on the site from 11 to 10 and to revise the layout of the loading spaces; and
3. Redesign the proposed bridge over and tunnel under Grand Opera Lane.

The foregoing revisions do not affect the recommendations in my report to you of August 31, 1983."

Appendix B

Public Meeting Minutes for an Official Plan Amendment respecting Scotia Plaza - Wednesday, February 2, 1983, Committee Room No. 1

1. Attendance

Planning Board Committee

Michael Sutton, Chairman

Michael Walker, Alderman, Ward 10

George Hislop, Member

Phil Biggin, Member

Planning and Development Department

Bob Millward, Deputy Commissioner

Susan Richardson

Mal Williams

Bernard Shalka

Allen Appleby

John B. Conlin, Gardiner, Roberts

David Rich, Webb Zerafa Menkes Housden Partnership

R. V. Javosky, Bregman & Hamann, Architects

Phil Beinhaker, Urban Design Consultant

John Sewell, Alderman, Ward 6

Jack Layton, Alderman, Ward 6

51 area residents and property owners

2. Introduction

Mr. Sutton, Chairman of the meeting, introduced the process that the application will go through. Mr. Millward explained why these two applications, Scotia Plaza and Waterpark Place, were intertwined and introduced why the transfer of density was defensible. Mr. Conlin introduced the history of the application.

Mr. Beinhaker addressed the issues of retaining the streetscape of Bay Street and pedestrian circulation around Scotia Plaza. Mr. Beinhaker also discussed urban design matters respecting Waterpark Place including pedestrian connections, streetscape improvements and separating distances between buildings.

Mr. Rich explained the architectural considerations in the design of Scotia Plaza.

Mr. Javosky, the architect for Waterpark Place, explained the architectural considerations for the new development, including the reinforcing of Bay Street, the glazed connections between the two towers, the view of the Harbour Square residents to the south, the pedestrian colonade and the overall reduction in bulk.

Mr. John Conlin introduced correspondence from the Downtown Business Council, Harbourfront, Truscan Realty Ltd., and the Prudential Insurance Co. of America, in support of the application.

3. Discussion

Discussion followed, including questions and comments on the following matters:

3.1 Meeting Notice

Mr. Dan Coates, 55 Harbour Square, explained that the notice to the Harbour Square residents for the February 8th public meeting was misleading in respect to the height of the podium. Mr. Shalka explained that after the notice was sent, revised plans were submitted. Mr. Sutton assured the residents that before this application comes back to the Planning Board a more accurate notice will be sent.

3.2 Parking at Waterpark Place

Ms. June Taylor, 33 Harbour Square, expressed concern over the amount of parking being provided at Waterpark Place and whether or not it would be adequate for visitors to the condominium and users of the island ferry. Ms. Taylor felt that the 0.75 ratio of parking spaces per unit was inadequate. Mr. Beinhaker said there will be approximately 450 dwelling units and that on weekends there will be a 150-200% increase in spaces for visitors above the 500 spaces presently available.

3.3 Heights

Mr. Simon Jutras (33 Harbour Square), Mr. Phil Allen (65 Harbour Square), Mr. J. Bickford (55 Harbour Square), and Mr. Dan Coates (55 Harbour Square), expressed concerns over the heights of the towers and the podium. Mr. Shalka explained that the two office buildings will be 16 and 24 storeys and the residential tower will be 35 storeys. Alderman Sewell summarized the concerns of the residents as whether or not the podium height would be the same as the existing podium on the south side of the street. Mr. Millward explained that the podium will be approximately 85 feet as compared to 81 feet on the south side of the street.

3.4 Phasing of Development

A number of Harbour Square residents were concerns about the timing of the Waterpark Place development. Mr. Beinhaker explained that he has not been given any indication from Campeau Corporation as to when construction might begin. Alderman Sewell feels it would be appropriate to obtain some commitment from Campeau Corporation on the phasing of construction.

3.5 Transportation

Mr. Hamish Wilson (12 Major Street) was concerned about the existing transit system being overloaded and the effect this development will have on subway capacity. Mr. Millward responded saying that there is enough extra capacity presently on the subway to accommodate this project and that the effectiveness of the transit system will be improved by moving the density from the Waterfront to King and Bay Streets. Mr. Millward also said that the Department is looking at the long term transit questions and possible solutions.

Alderman Layton was concerned about the impact on the transit system based on calculations he had done.

Alderman Sewell raised concerns about the Harbour and York Street ramps and felt the developer should remove them.

3.6 Economic Issues

Mr. John Blanchard (65 Harbour Square) was interested in the price differential between the commercial and residential uses. Mr. Millward responded that he was not sure of the exact price differential but certainly the commercial density was worth more at King and Bay Streets than on the waterfront.

3.7 Process

Mr. Phillip Allen (65 Harbour Square) stated that he felt most people approve of the way things are moving ahead and would like to continue to be involved in discussions with the developer and the City over the next year.

3.8 Bird Migration Patterns

Mr. Dennis Colby (11 Hutton Avenue) was concerned about the impact a 66-storey office tower would have on the flight patterns of birds and requested that this analysis be included in the report on wind conditions. Mr. Colby stated that the City of Toronto used to have a holding by-law restricting high buildings and that a better development should be proposed.

3.9 Miscellaneous

Alderman Layton had concerns about the transfer of density and felt it should be used only in extraordinary situations. He also stated that the assisted housing component was a good public benefit but felt the City should be getting more public benefits. Alderman Layton also had concerns about the policy of deconcentration and how this project affects this policy.

Alderman Sewell suggested that the City should require an architectural competition for the design of Scotia Plaza.

The meeting adjourned at 9:40 p.m. after Mr. Sutton explained that the full Planning Board would meet again in approximately 6 weeks and then the report would be forwarded to the Land Use Committee. Mr. Sutton pointed out that at both these stages of the process deputations would be heard.

Appendix C

Pedestrian Level Wind Study for the Proposed Scotia Plaza, Toronto, Ontario

Prepared by: Morrison Hershfield Limited, Consulting Engineers

"3. Test Results

The first series of wind tunnel tests included measuring the wind speeds for the existing site conditions. The final design of the proposed Scotia Plaza development was then added to the site to determine the effect of the development on the local wind environment. The final wind conditions were presented in the wind speed plots in Section 4. The fold-out, Figure 1 (Figure 18 of this report), which immediately follows the plots, illustrates the areas where wind speed measurements were taken. These locations correspond to the location number at the top of each plot.

At the request of project design representatives from WZMH, our comments on the wind conditions have been presented in a brief format. The following is a summary of the final wind environment.

Adelaide Street

The proposed development did not noticeably alter the wind speeds along Adelaide Street at locations 1 - 4, 6 and 8. Summer time wind speeds remained suitable for either standing or walking while winter winds generally remained suitable for occasional pedestrian use. Locations 5, 6, 9, 15 and 17 are areas where the proposed development increased the wind activity (either winter or summer winds, or both) to a level whereby uncomfortable wind speeds for the proposed pedestrian activities would occur. The most noticeable change in wind speeds at these locations occurred during the winter time. Winter winds at locations 6 and 17 were uncomfortable several times per month, whereas locations 5, 9 and 15 experienced uncomfortable winter winds several times per season. With the proposed building present, wind speeds at the remaining locations along Adelaide Street (10, 11, 12 and 16) were suitable for the intended use of walking during the summer and occasional use during the winter time.

Adelaide Street Main Entrance

The summer winds near the north entrance to the tower of the proposed development (locations 13 and 14) were suitable for the intended use of walking. Winter winds at location 13 were slightly above a level considered suitable for occasional use whereas wind speeds suitable for occasional use occurred at location 14.

Bay Street

Wind speeds in the central portion of the Bay Street (locations 19 and 20) between Adelaide and King Streets were reduced in the presence of the proposed development. With Scotia Plaza present, winter winds in this area of Bay Street were generally suitable for frequent pedestrian use. The remaining Bay Street test locations (21, 22 and 23) were unaffected by the proposed development.

King Street

The existing wind conditions at locations 24, 25 and 30 were not noticeably changed with Scotia Plaza present. The wind speed plots for locations 24 and 25 illustrate the high level of wind activity present in this area of King Street. Wind speeds at locations 26, 31 and 33 were increased in the presence of Scotia Plaza. The resultant wind conditions, however, are no worse than those that now exist along the western portion of King Street. The wind speeds at location 32 were reduced with the proposed development present.

King Street Main Entrance

During the summer time, the wind speeds near the entrance to the tower (locations 27, 28 and 29) were suitable for either standing or walking. Winter winds at location 27 were uncomfortable. Locations 28 and 29 were partially sheltered from the higher wind speeds and subsequently winter winds suitable for occasional use prevailed.

Yonge Street

The presence of Scotia Plaza did not noticeably influence the existing wind activity along Yonge Street at locations 34 - 37. Summer winds remained suitable for either lounging or standing while winter winds remained suitable for occasional use.

Potential Roof Level Daycare Area

The plot for location 38 illustrates the wind activity recorded on the roof of the proposed building element along Yonge Street. it was indicated on the design drawings that the roof of this building could be used as a play area for a potential Daycare Centre. The high level of wind activity shown in the plot for this roof area indicates that remedial wind control devices are necessary to provide wind speeds suitable for lounging.

Summary of Test Results

In summary, Scotia Plaza provided a slight improvement to the wind environment along Bay Street and did not affect the wind conditions on Yonge Street. Increased wind activity occurred at several locations along King and Adelaide Streets; however, uncomfortable winds were generally limited to the winter season."

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Appendix D

Bank of Nova Scotia

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Appendix D.1

Section 11 of Part I of the Official Plan is amended by adding thereto the following:

"11.__ A portion of the lands within the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street

This Section applies to the lands indicated on the map designated "Amendment No. ___", which is attached to and forms part of this Section, which lands are hereinafter referred to as the "development lands".

(Insert Map)

(a) Notwithstanding Sections 3A.4(b) to 3A.4(e), 3A.5(a), 3A.5(b), 3A.5(d), and 3A.5(e) of this Plan, Council may pass By-laws applicable to the development lands to permit the erection or use on a portion thereof of not more than 36 dwelling units, and the erection or use of one or more buildings which contain *non-residential gross floor area* in an amount not exceeding 210 262.8 square metres, provided that:

  (i) such By-laws reduce the maximum amount of *gross floor area* for office, retail, service, community service and above grade parking purposes permitted to be erected or used on the lands known for municipal purposes in the year 1984 as 10 Bay Street, to 111 398 square metres;

  (ii) such By-laws increase the maximum amount of *gross floor area* for *residential* purposes permitted to be erected or used on the lands known for municipal purposes in the year 1984 as 10 Bay Street, to an amount not exceeding 49 443.5 square metres; and

  (iii) the buildings or such portions thereof which, in the opinion of Council, expressed in a resolution of Council, are of architectural or historic value or interest, which are erected on ________, 1984 (insert date of adoption of the O.P.A. by Council) on the lands known for municipal purposes in the year 1984 as 303 Bay Street, 44 King Street West and 102 Yonge Street, respectively, continue to be erected on the aforesaid 303 Bay Street, 44 King Street West and 102 Yonge Street, respectively.

(b) Notwithstanding Section 10.18 of this Plan, in By-laws passed pursuant to the Section, the development lands shall be deemed to be one *lot* regardless of whether two or more buildings which are not connected below grade are erected thereon, and regardless of any conveyances or easements made or granted after ________, 1984 (insert date of adoption of this O.P.A. by Council).

(c) Sections 1A.35(a), 1A.42(b) to 1A.42(d), 1A.46(a) and 1A.47(b) of this Plan shall not apply to the development lands.

(d) Notwithstanding any other provision of this Section, provisions of By-laws passed pursuant to this Section which apply to the lands known for municipal purposes in the year 1984 as 10 Bay Street may be contained in a by-law which applies only to 10 Bay Street, rather than to both 10 Bay Street and to the development lands, provided that by-laws applicable to both 10 Bay Street and the development lands, respectively, to implement this Section, are passed by Council at the same meeting of Council.

—

Bill No.

Appendix D.2

No. -84 A BY-LAW

To amend By-law No. _____

(Passed 1984)

The Council of The Corporation of the City of Toronto enacts as follows:

1. This By-law applies to the lands more particularly described as Parts of Town Lots 2, 3 and 4, south side of Adelaide Street and Parts of Town Lots 3 and 4, north side of King Street, Town of York Plan, which are shown as Parts 1 to 6, 8 to 12, 14, 16, 17, according to Plan of Survey of Record (insert Reference Plan registration details).

2. Except as otherwise provided herein, the provisions of By-law No. 20623, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall continue to apply to the lands to which this By-law applies and all references contained therein to a *lot* shall be deemed to be references to the *development lot*, and all references contained therein to *grade* shall be deemed to be references to *grade* as defined in this By-law.

3. None of the provisions of Subsections 2(63A), (63B) and (63C), Subsections 4(11), (12)(c), (12)(d), (12)(e), (12)(f), (12)(h), (12)(i), (12)(m), (13), (13A), (14) and (14A), and Subsections 12A(2)(a), (2)(b), (2)(f), (2)(g) and (5) and Map 50G-323 contained in Appendix "B" of the aforesaid By-law No. 20623, as amended, shall apply to prevent the erection or use of one or more buildings or structures or any one or more portions of the *development lot* which contain exclusively *non-residential gross floor area*, exclusively *dwelling units*, or a combination of *non-residential gross floor area* and *dwelling units*, provided that:

(a) the aggregate amount of the *non-residential gross floor area* erected or used on the *development lot* does not exceed 210 262.8 sq.m., of which:

  (i) not more than 4 782.6 sq.m. may be erected or used on Area A shown on Map 1, contained in Schedule 1 which is attached to and forms part of this By-law, provided that not more than 4 509 sq.m. may be erected or used in in the Area unless such building contains *street-related retail and services uses* facing an aggregate length of at least 10.8 metres of *frontage*,

  (ii) not more than 48 423.0 sq.m. may be erected or used on Area B shown on the aforesaid Map 1,

  (iii) not more than 153 729.2 sq.m. may be erected or used on Area C shown on the aforesaid Map 1,

  (iv) not more than 3 328.0 sq.m. may be erected or used on Area D shown on the aforesaid Map 1, and

  (v) not more than 0 sq.m. may be erected or used on Area E shown on the aforesaid Map 1;

(b) the buildings erected or used on the *development lot* contain:

  (i) *street-related retail and service uses* facing an aggregate length of 84.5 metres of *frontage* on the aforesaid Area B, and

  (ii) *street-related retail and service uses* facing an aggregate length of 28.5 metres of *frontage* on the aforesaid Areas C and D;

(c) any building which is to contain *dwelling units* or a combination of *non-residential gross floor area* and *dwelling units* shall be erected or used on the aforesaid Area A and shall contain not more than 36 *dwelling units*;

(d) not less than 1 538.9 sq.m. of *common outdoor space* is provided on the *development lot*;

(e) no portion of any building or structure, other than one or more flagpoles, which is erected or used on the *development lot* shall extend above the *height limit* shown on

Map 2 contained in Schedule 2 which is attached to and forms part of this By-law, provided that the *height limit* shown thereon for Area B may be exceeded by the height of one or more aerials or other devices used for the transmission and/or reception of communication signals if the height of such devices does not exceed a plane defined by an angle of 60 degrees from the horizontal at the parapet edge of the building erected on Area B on the date of passing of this By-law;

(f) the buildings and/or portions of buildings which on the date of passing of this By-law are erected on the portions of Areas A, B and D, respectively, shown on Map 3 contained in Schedule 3 which is attached to and forms part of this By-law, continue to be erected, provided that, for the purposes of this clause, if any one or more of such buildings or portion(s) of a building(s) is destroyed or damaged by fire, explosion or other Act of God, it shall nevertheless be deemed to continue to be erected whether or not in fact the building(s) or portion(s) thereof is reconstructed or replaced; and

(g) not fewer than 450 *parking spaces*, 9 *loading spaces - Type B*, and 7 *loading spaces - Type C* are provided, maintained and contained in buildings erected or used on the *development lot*, provided that 26 of the aforesaid *parking spaces*, 2 of the aforesaid *loading spaces - Type B* and 2 of the aforesaid *loading spaces - Type C* may be provided and maintained on the *development lot* in satisfaction of requirements in respect of the provision of parking spaces and loading facilities provided by By-law No. (Insert Number of Royal Bank By-law).

4. For the purposes of this By-law, the term:

(a) "*common outdoor space*" means any paved, sodded or landscaped area which:

(i) adjoins, and is directly accessible from, a *street*,

(ii) is open to the sky or is covered by a structure or any portion of a building but not located within a building,

(iii) is located within 2 metres of the elevation of the adjacent public sidewalk and is accessible therefrom by means of a stair or ramp,

(iv) is not narrower than 2.5 metres for an area covered by a structure, and not narrower than 3 metres for any other area, and

(v) is not used for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage area, motor vehicle parking area, or stairs or any portion thereof where the treads of such stairs are less than 1.5 metres in width;

(b) "*frontage*" means:

(i) in the case of Area A shown on the aforesaid Map 1, "*frontage*" means the boundary of Area A which is also the easterly limit of the Bay Street *street* allowance,

(i) in the case of Area B shown on the aforesaid Map 1, "*frontage*" means one or more of of the boundaries of the Area which is also either the northerly limit of the King Street West *street* allowance, or the easterly limit of the Bay Street *street* allowance,

(iii) in the case of Area C shown on the aforesaid Map 1 "*frontage*" means one or more of the boundaries of the Area which is also either the southerly limit of the Adelaide Street West *street* allowance or the northerly limit of the King Street West *street* allowance, and

(iv) in the case of Area D shown on the aforesaid Map 1 "*frontage*" means the boundary of Area D which is also the westerly limit of the Yonge Street *street* allowance;

(c) "*grade*" means the level which is located at 84.7 metres above the Canadian Geodetic Datum;

(d) "*height limit*" means the level above Canadian Geodetic Datum for each Area shown on the table set out on the aforesaid Map 2;

(e) "*loading space - Type B*" means a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;

(f) "*loading space - Type C*" means a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres, and is located in the basement of such building on the first or second level below *grade* and is situated so that it serves an elevator or similar lifting device servicing the building and is readily accessible via a ramp, driveway or laneway with a minimum vertical clearance of 3.0 metres connecting with a *street* abutting the land to which this By-law applies;

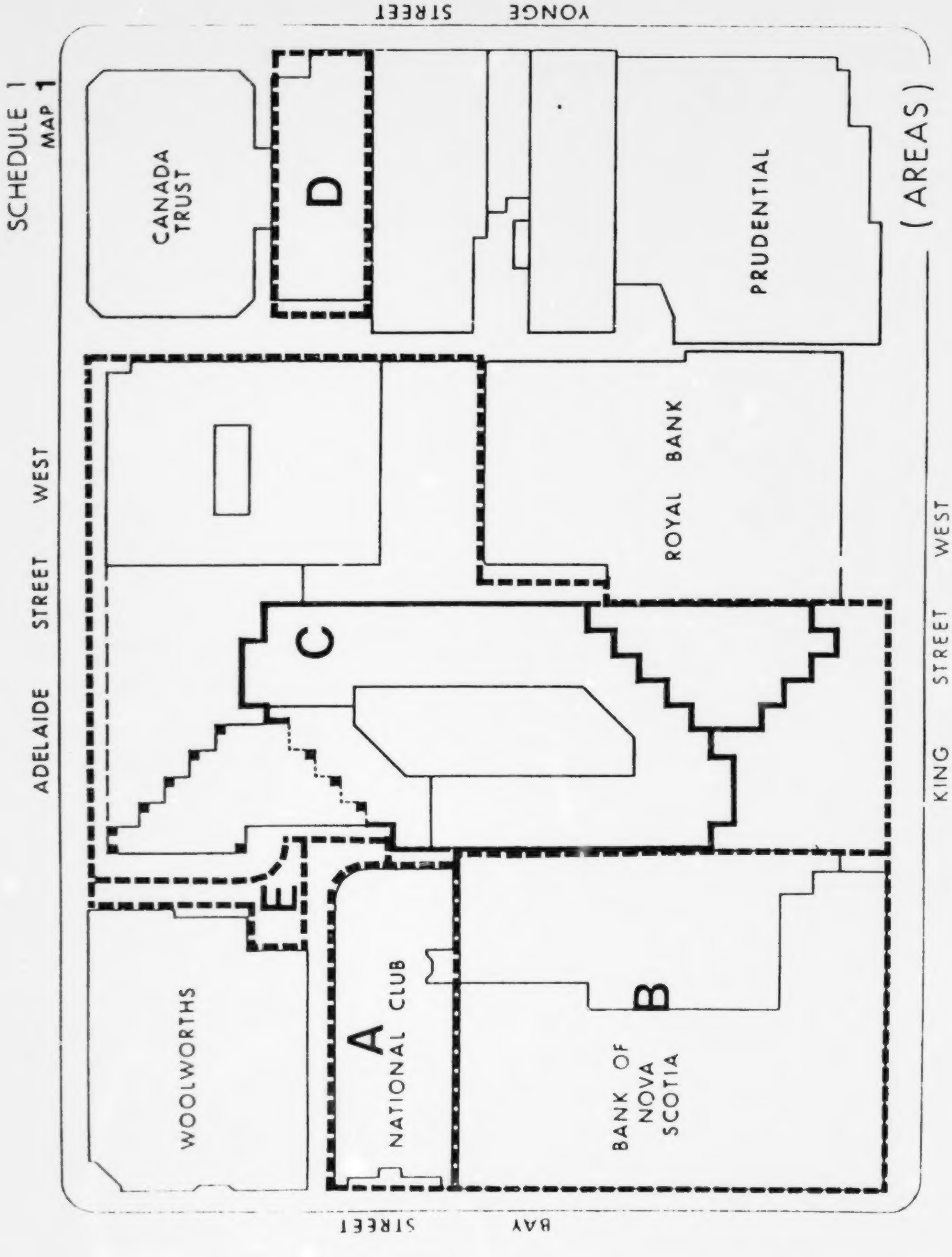
(g) "*development lot*" means the whole of the lands described in Section 1 of this By-law and, except to the extent otherwise provided in this By-law, the term "*development lot*" does not refer to an area of land that comprises less than all the lands to which this By-law applies, regardless of ownership as of the date of enactment of this By-law and any conveyances which are made or easements which are granted thereafter, and regardless of whether or not buildings or structures erected or to be erected on any part of parts thereof are erected or are to be erected simultaneously or at intervals, provided that whether or not such buildings or structures are connected above or below the natural level of the ground, they shall be considered to have a common basement;

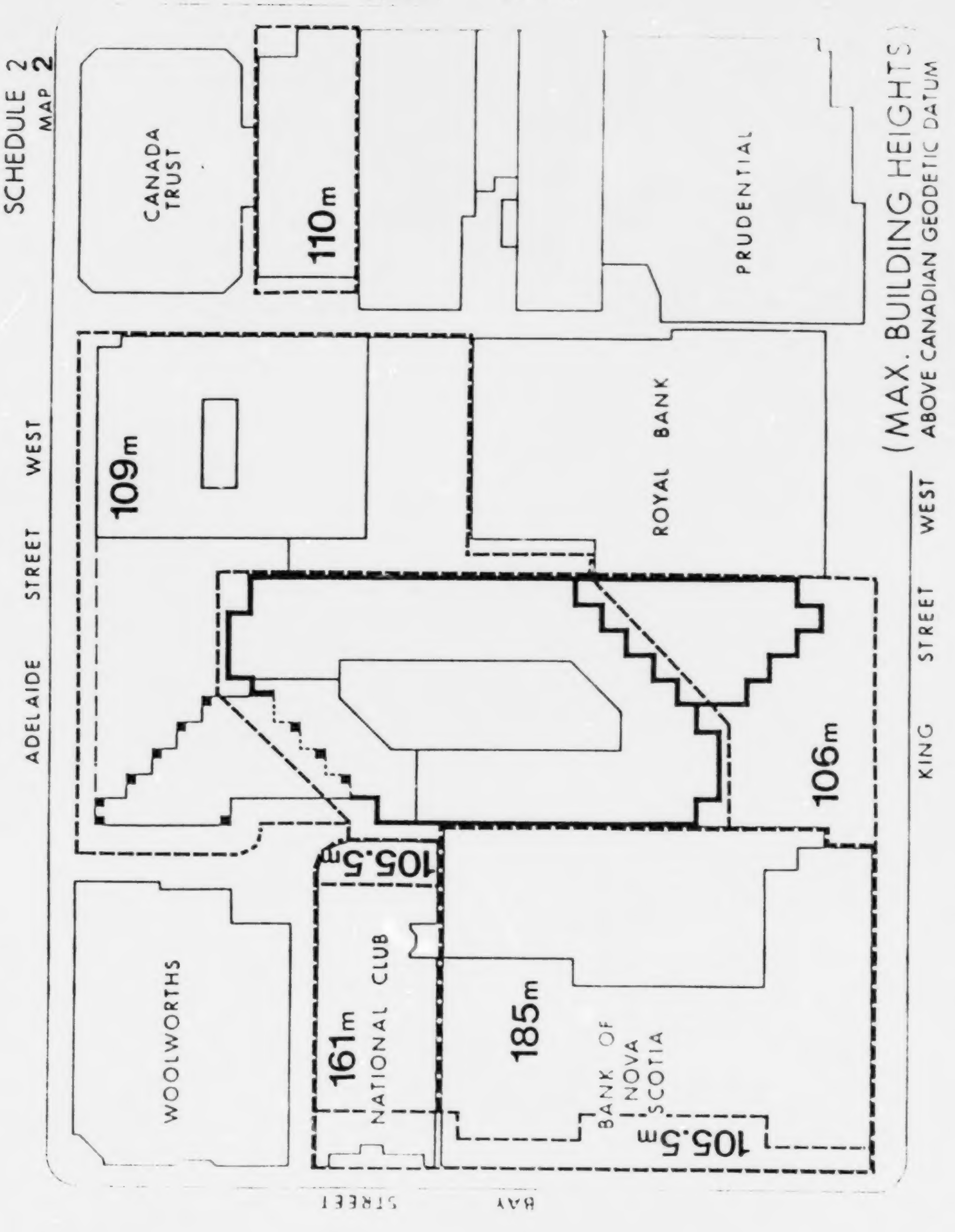
(h) "*parking space*" means an unobstructed area at least 5.9 metres in length, and at least 2.6 metres in width and which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle and which is entered by means of a driveway or passageway having a minimum unobstructed width of 5.5 metres; and

(i) "*street-related retail and service uses*" means one or more of the shops or stores referred to in Section 12A(1)(b)(iii) and (iv) of the aforesaid By-law No. 20623, provided that:

  (i) the principal entrance of any shop or store is located in the exterior wall of a building and is directly accessible by pedestrians walking along a route having a distance of not more than 5 metres facing the *frontage* of the building, and

  (ii) a principal entrance of any such shop or store is located no more than 2 metres above or below *grade*.


SCHEDULE 1
MAP 1
(AREAS)
ADELAIDE STREET WEST
KING STREET WEST
YONGE STREET
BAY STREET
CANADA TRUST
D
PRUDENTIAL
ROYAL BANK
C
E
WOOLWORTHS
A
NATIONAL CLUB
B
BANK OF NOVA SCOTIA


SCHEDULE 2
MAP 2
(MAX. BUILDING HEIGHTS)
ABOVE CANADIAN GEODETIC DATUM
YONGE STREET
BAY STREET
ADELAIDE STREET WEST
KING STREET WEST
CANADA TRUST
110m
PRUDENTIAL
109m
ROYAL BANK
106m
105.5m
WOOLWORTHS
161m
NATIONAL CLUB
185m
BANK OF NOVA SCOTIA
105.5m

Schedule 3

Map 3

(showing the areas of the historic buildings to be retained in the Scotia Plaza development)

(to be inserted)

Bill No.

Appendix D.3

No. -83 A BY-LAW

To amend By-law No. 236-80 so as to exempt therefrom certain lands known as 30-44 King Street West, 303 Bay Street, 102-106 Yonge Street and 11-29 Adelaide Street West.

(Passed , 1984.)

The Council of The Corporation of the City of Toronto enacts as follows:

1. Paragraph 14 of subsection (13a) of Section 4 of By-law No. 20623, as anacted by Section 2 of By-law No. 236-83, being "A BY-LAW To amend By-law No. 20623 to prescribe parking and loading requirements for uses in a portion of the Central Area", is amended by adding respectively to the first and second columns set forth in such paragraph, the following:

"BY-LAW NO. -84	Scotia Plaza, 30-44 King Street West, 303 Bay Street, 102-106 Yonge Street, and 11-29 Adelaide Street West"

2. Paragraph 8 of subsection (14a) of Section 4 of By-law No. 20623, as enacted by Section 7 of the aforesaid By-law No. 236-83, is amended by adding respectively to the first and second columns set forth in such paragraph, the following:

"BY-LAW NO. -84	Scotia Plaza 30-44 King Street West, 303 Bay Street, 102-106 Yonge Street, and 11-29 Adelaide Street West"

Appendix E

Royal Bank Lands

Appendix E.1

11.___ *LANDS KNOWN FOR MUNICIPAL PURPOSES AS 20 KING STREET WEST*

(a) Sections 9.2 and 9.4 of this Plan do not apply to the lands to which this Section applies.

(b) Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands to which this Section applies which permits the building erected thereon on (Insert date of adoption of this Official Plan Amendment), to be used for any one or more non-residential and/or *institutional* purposes which are permitted by the provisions of the Zoning By-law applicable to such lands, and which do not apply to prevent:

(i) the restoration, renovation of or alteration to the aforesaid building from time to time; or

(ii) the replacement or reconstruction of the aforesaid building or portion thereof if it is razed or damaged in whole or in part by fire, explosion or other Act of God,

provided that such by-laws do not permit the aforesaid building, including any alteration, or replacement or reconstruction of the aforesaid building, to contain an amount of *non-residential gross floor area* in excess of the amount contained in the building on (Insert date of adoption of this Amendment by Council).

(c) This Section applies to the lands more particularly described as (Insert legal description of 20 King Street West).

—

Bill No.

Appendix E.2

No. -84 A BY-LAW

To amend By-law No. ______________.

(Passed , 1984)

The Council of The Corporation of the City of Toronto enacts as follows:

1. None of the provisions of By-law No. 20623 being "A BY-LAW To regulate the use of land and the erection, use, bulk, height, spacing of an other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent:

(a) the use of the building erected on the lands to which this By-law applies on (Insert date of passing of this By-law) for any one or more of the non-residential purposes permitted by Section 12A(1)(b) of the aforesaid By-law No. 20623;

(b) the restoration, renovation or alteration of any one or more areas contained in the aforesaid building without complying with the provisions of this By-law respecting *common outdoor space*, provided that the amount of *non-residential gross floor area* contained in such building is not increased above the amount contained therein on (Insert date of adoption of Official Plan Amendment);

(c) in the event that the aforesaid building is razed or damaged in whole or in part by fire, explosion or Act of God to the extent of at least fifty (50) per cent of its value before damage, the replacement or reconstruction of the aforesaid building or damaged portion thereof, without complying with the provisions of this By-law respecting *non-residential gross floor area* and *common outdoor space*, provided that the *non-*

residential gross floor area contained in the replacement or reconstructed building does not exceed ________ sq.m. of *non-residential gross floor area* (Insert amount contained in existing building); and

(d) no fewer than 26 *parking spaces*, 2 *loading spaces - Type B* and 2 *loading spaces - Type C* are provided are maintained either on the lands to which this By-law applies or on the lands to which By-law No. (Insert reference to Scotia Plaza site-specific Zoning By-law) applies.

2. None of the provisions of Subsection 2(63A1), (63B), (63C) and (63D) and Subsection 4(11)(a) and (b), (13), (13a) and (14a) of the aforesaid By-law No. 20623 shall apply to the lands to which this By-law applies.

3. For the purposes of this By-law, the term:

(a) "*loading space - type B*" means a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;

(b) "*loading space - type C*" means a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres, and is located in the basement of such building on the first or second level below *grade* and is situated so that it serves an elevator or similar lifting device serving the building and is readily accessible via a ramp, driveway or laneway with a minimum vertical clearance of 3.0 metres connecting with a street abutting the land to which this By-law applies;

(c) "*parking space*" means an unobstructed area at least 5.9 metres in length, and at least 2.6 metres in width and which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle and which is entered by means of a driveway or passageway having a minimum unobstructed width of 5.5 metres.

4. Ingress and egress to and from the parking facilities required by Section 2 of this By-law shall be provided by a sufficient number of adequate, unobstructed driveways or passageways.

5. This By-law applies to the lands more particularly described as: (insert legal description of 20 King Street West).

Bill No.

Appendix E.3

No. -84 A BY-LAW

To amend By-law No. 236-80 so as to exempt therefrom certain lands known as 20 King Street West.

(Passed , 1984.)

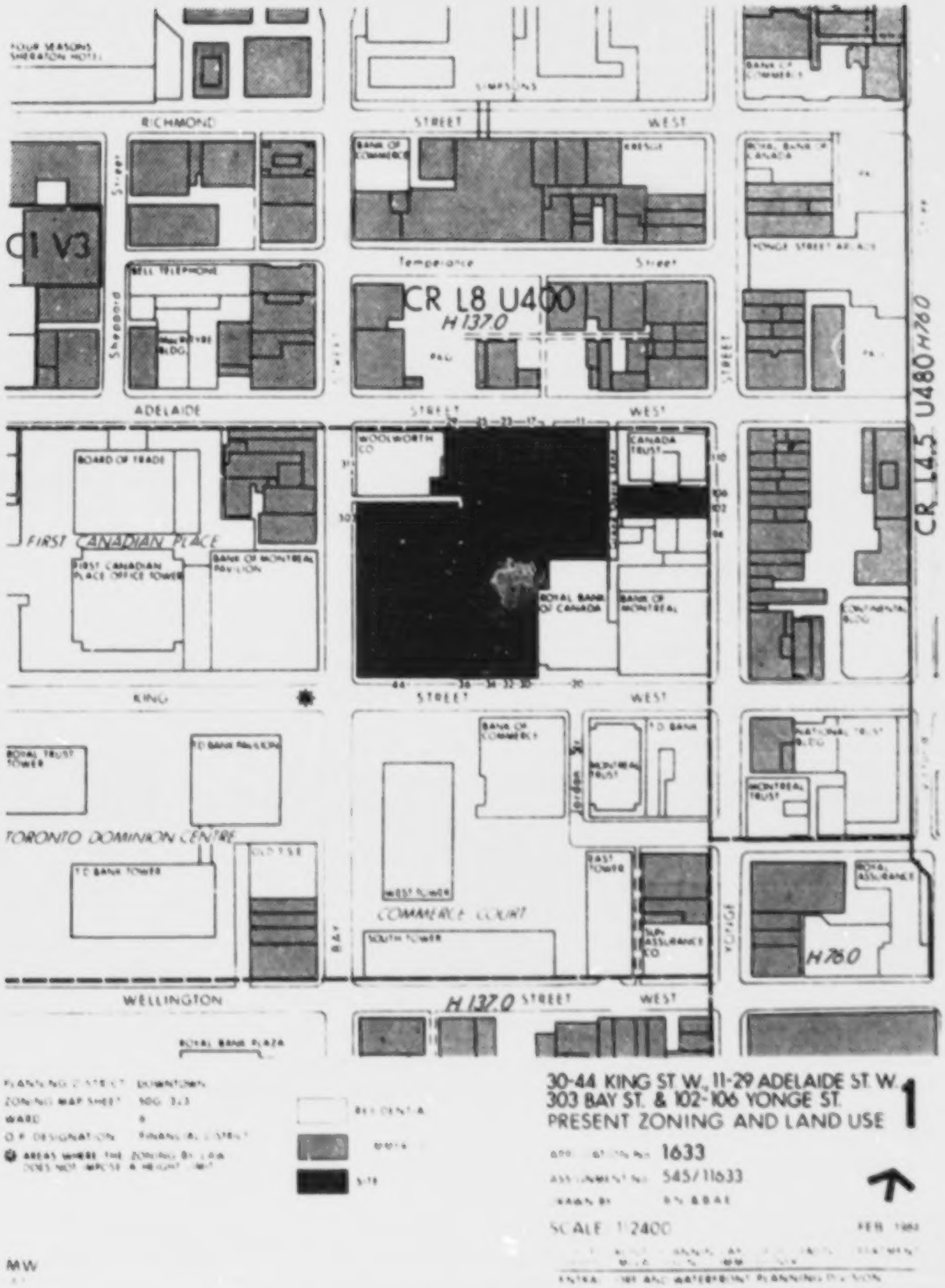
The Council of The Corporation of the City of Toronto enacts as follows:

1. Paragraph 14 of subsection (13a) of Section 4 of By-law No. 20623, as enacted by Section 2 of By-law No. 236-83, being "A BY-LAW To amend By-law No. 20623 to prescribe parking and loading requirements for uses in a portion of the Central Area", is amended by adding respectively to the first and second columns set forth in such paragraph, the following:

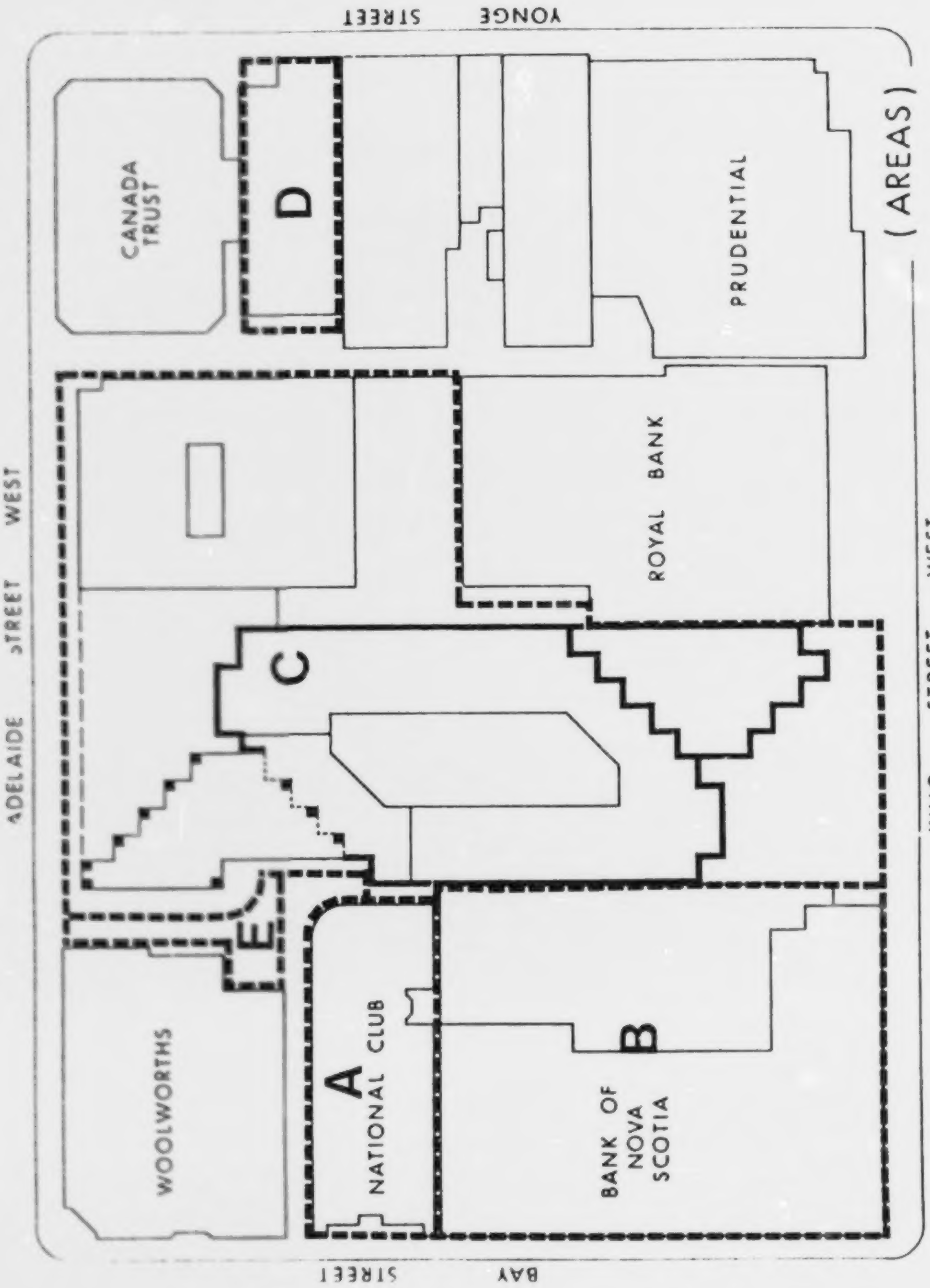
"BY-LAW NO. -84 Royal Bank
20 King Street West"

2. Paragraph 8 of subsection (14a) of Section 4 of By-law No. 20623, as enacted by Section 7 of the aforesaid By-law No. 236-83, is amended by adding respectively to the first and second columns set forth in such paragraph, the following:

"BY-LAW NO. -84 Royal Bank
20 King Street West"

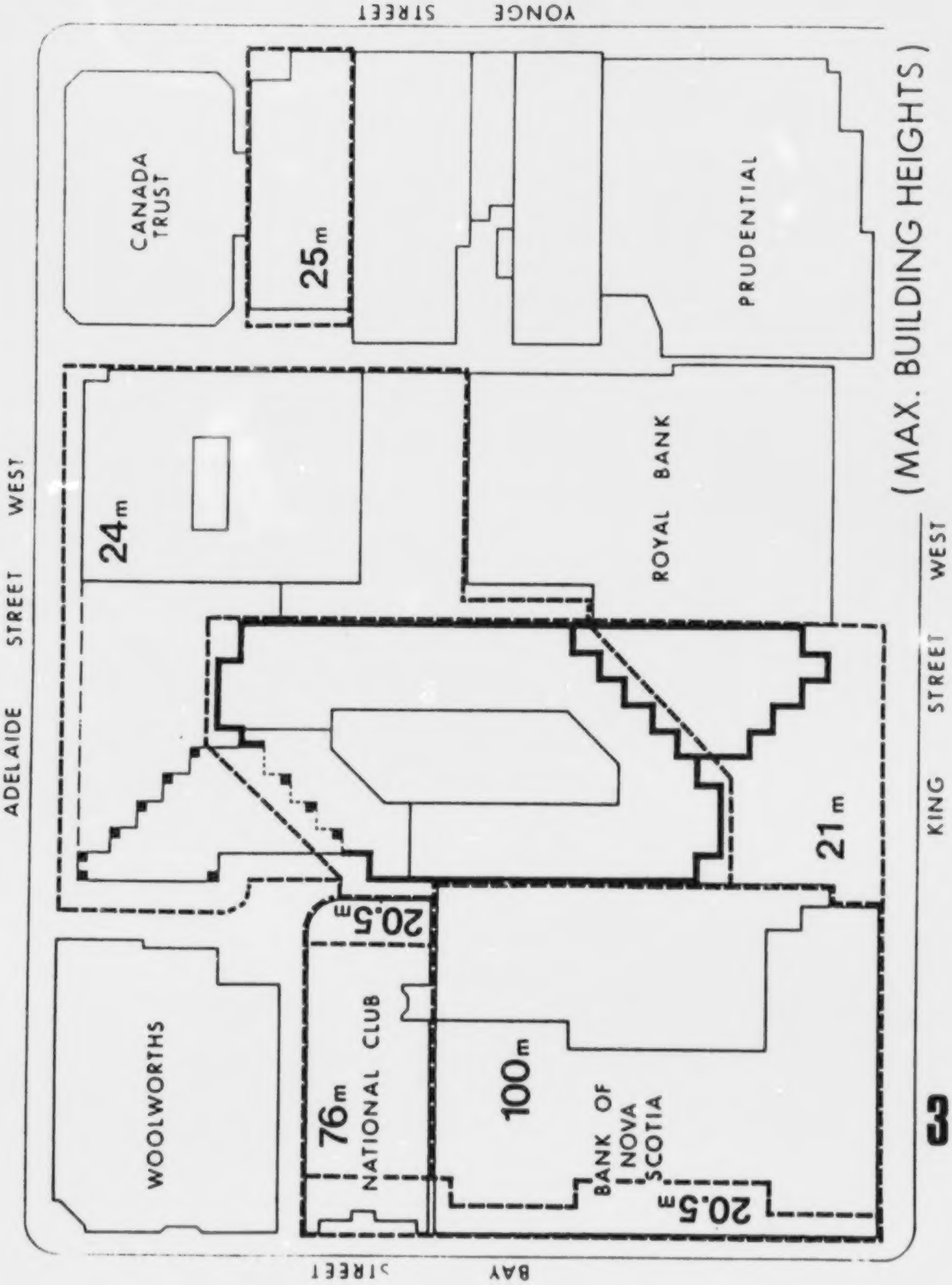

FOUR SEASONS SHERATON HOTEL
SIMPSONS
RICHMOND
STREET
WEST
BANK OF COMMERCE
KRESGE
ROYAL BANK OF CANADA
Sheppard Street
C1 V3
Temperance
Street
YONGE STREET ARCADE
BELL TELEPHONE
CR L8 U400
H 137.0
ADELAIDE
STREET
WEST
WOOLWORTH CO
CANADA TRUST
BOARD OF TRADE
FIRST CANADIAN PLACE
FIRST CANADIAN PLACE OFFICE TOWER
BANK OF MONTREAL PAVILION
ROYAL BANK OF CANADA
BANK OF MONTREAL
CONTINENTAL BLDG
CR L4.5 U480 H76.0
KING
STREET
WEST
ROYAL TRUST TOWER
T.D. BANK PAVILION
BANK OF COMMERCE
T.D. BANK
MONTREAL TRUST
NATIONAL TRUST BLDG
MONTREAL TRUST
TORONTO DOMINION CENTRE
T.D. BANK TOWER
OLD T.S.E.
WEST TOWER
COMMERCE COURT
SOUTH TOWER
EAST TOWER
SUN ASSURANCE CO
ROYAL ASSURANCE
BAY
YONGE
H76.0
WELLINGTON
H 137.0 STREET
WEST
ROYAL BANK PLAZA
ZONING MAP SHEET
WARD
O.P. DESIGNATION
AREAS WHERE THE ZONING BY-LAW DOES NOT IMPOSE A HEIGHT LIMIT
SITE
30-44 KING ST. W., 11-29 ADELAIDE ST. W.
303 BAY ST. & 102-106 YONGE ST.
PRESENT ZONING AND LAND USE
1
1633
545/11633
SCALE 1:2400
FEB.
WATERFRONT PLANNING DIVISION

MW

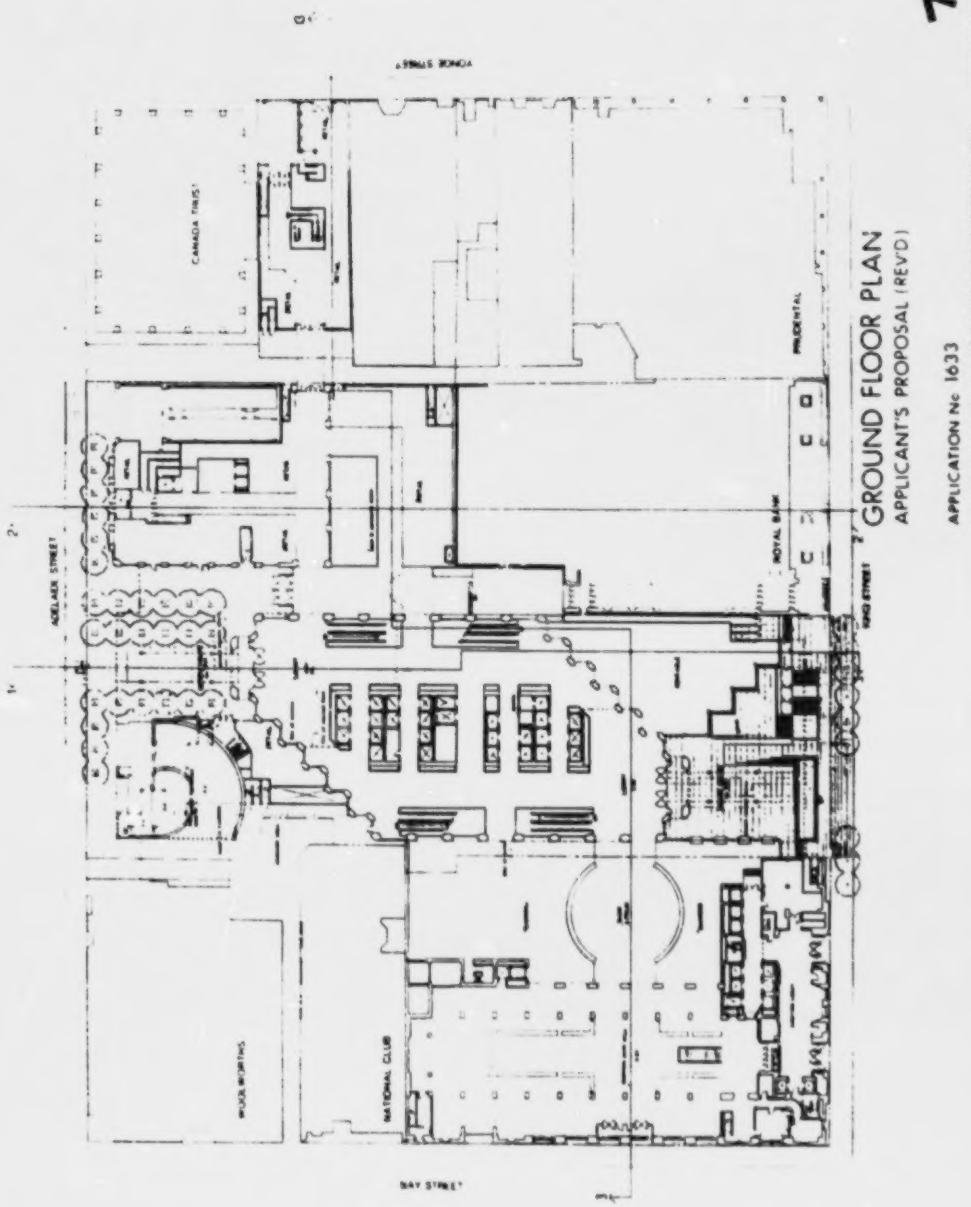

YONGE STREET
ADELAIDE STREET WEST
KING STREET WEST
BAY STREET
CANADA TRUST
D
PRUDENTIAL
ROYAL BANK
C
E
WOOLWORTHS
A
NATIONAL CLUB
B
BANK OF NOVA SCOTIA

(AREAS)

2


ADELAIDE STREET WEST
YONGE STREET
BAY STREET
KING STREET WEST
CANADA TRUST
25m
24m
PRUDENTIAL
ROYAL BANK
WOOLWORTHS
NATIONAL CLUB
76m
20.5m
100m
BANK OF NOVA SCOTIA
20.5m
21m
3

(MAX. BUILDING HEIGHTS)


YONGE STREET
CANADA TRUST
ADELAIDE STREET
ROYAL BANK
PRUDENTIAL
KING STREET
NATIONAL CLUB
WOOLWORTHS
BAY STREET

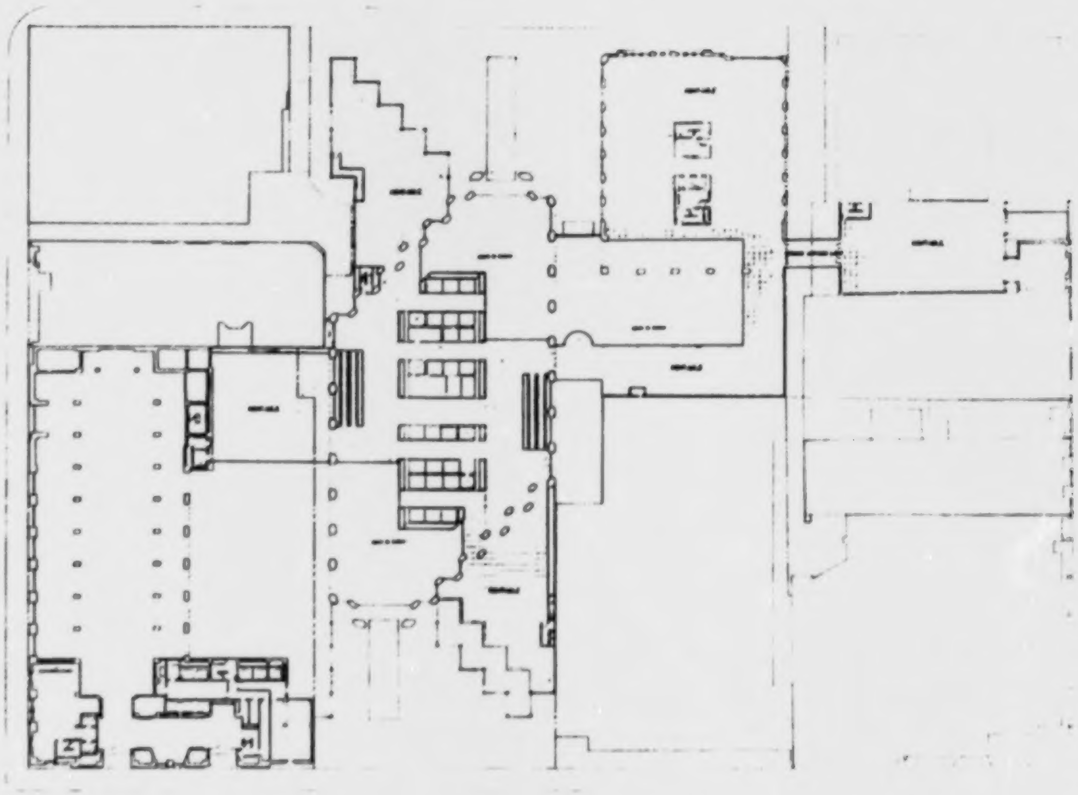
GROUND FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

4



SECOND FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

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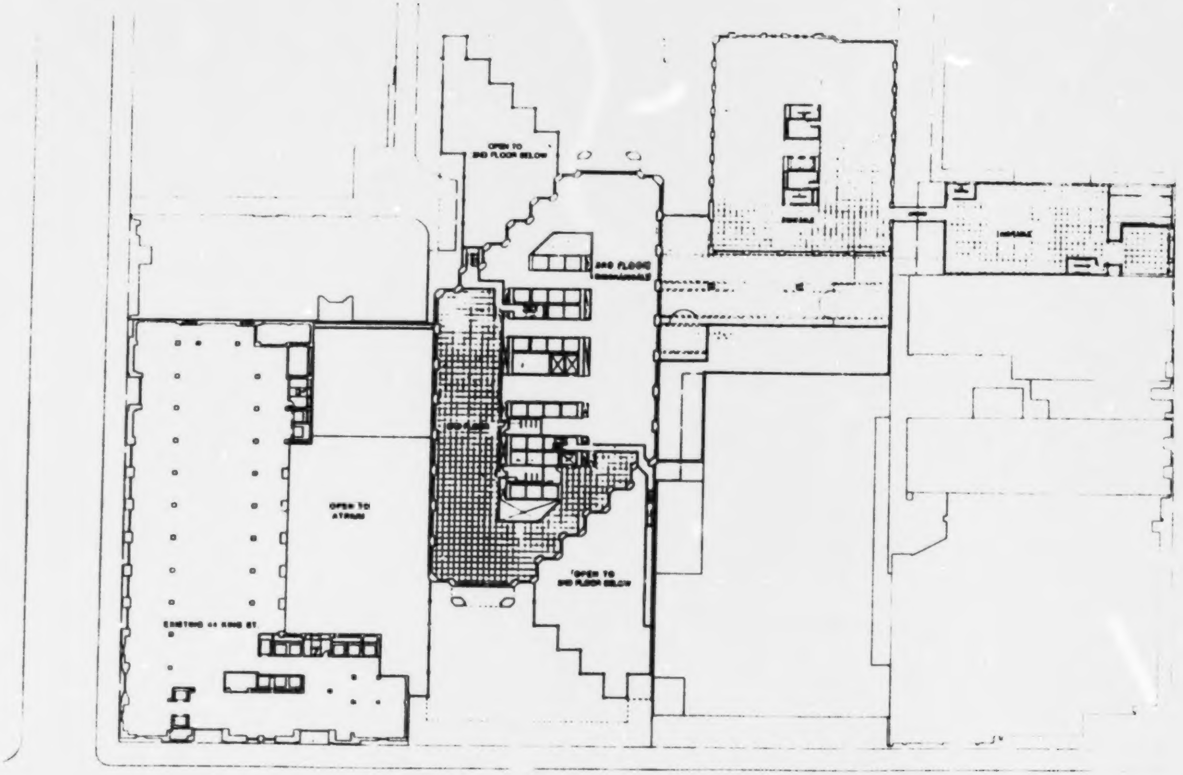
OPEN TO
2ND FLOOR BELOW
3RD FLOOR
OPEN TO
2ND FLOOR BELOW
OPEN TO
ATRIUM
EXISTING 44 KING ST.

THIRD FLOOR PLAN

APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
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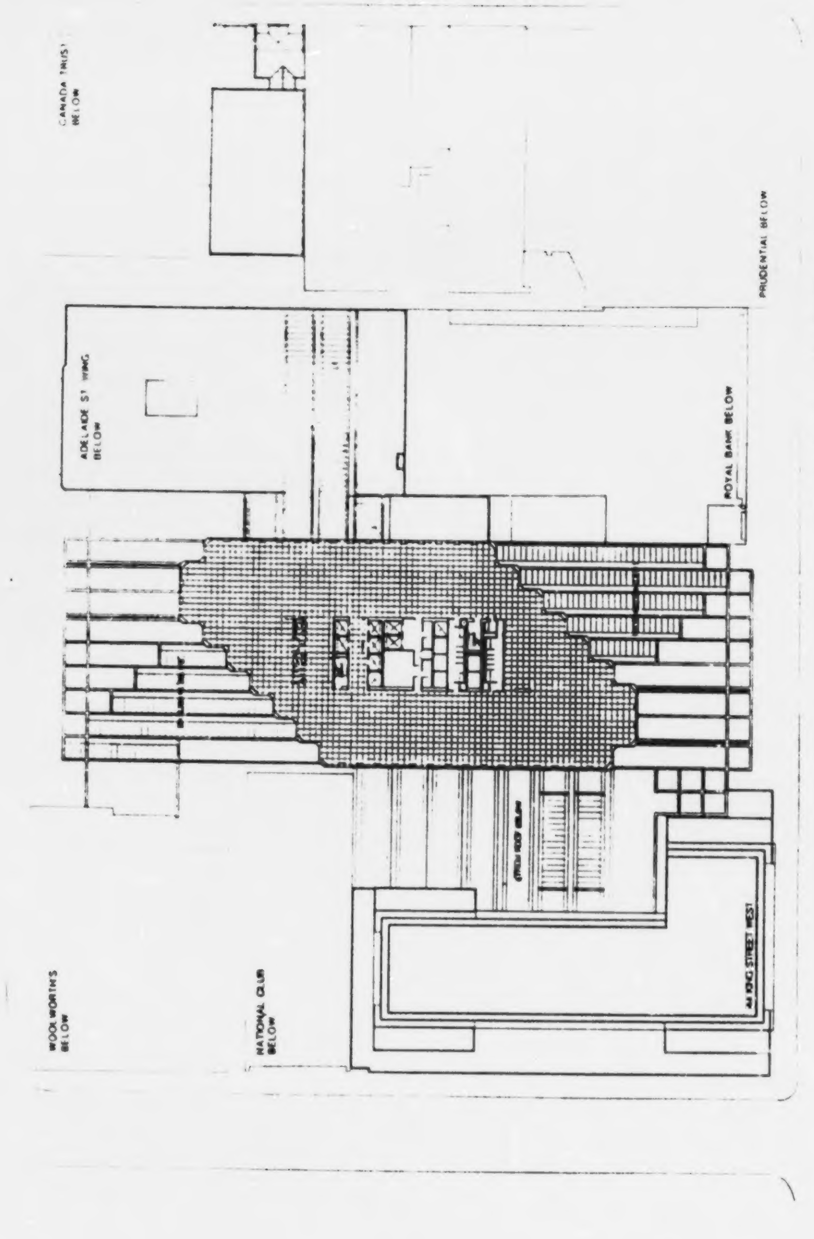
CANADA TRUST BELOW
ADELAIDE ST WING BELOW
PRUDENTIAL BELOW
ROYAL BANK BELOW
WOOLWORTH'S BELOW
NATIONAL CLUB BELOW
44 KING STREET WEST

TYPICAL FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

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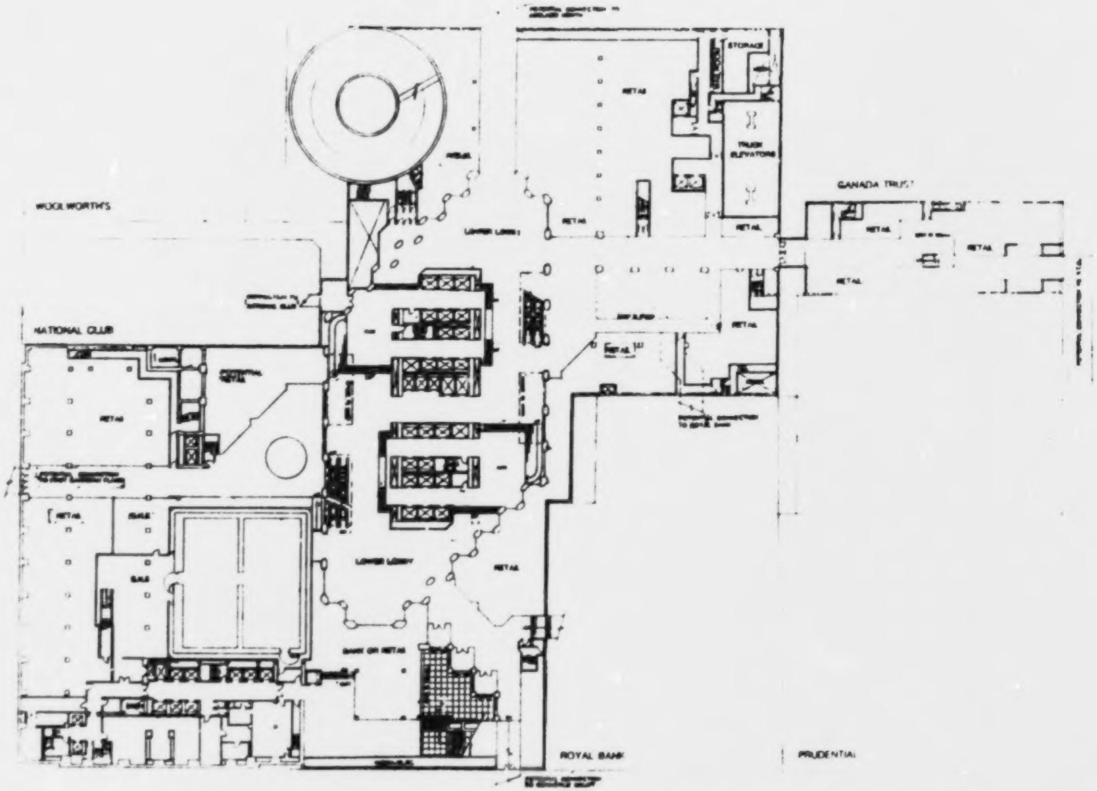
WOOLWORTH'S
NATIONAL CLUB
CANADA TRUST
ROYAL BANK
PRUDENTIAL
STORAGE
TRUCK ELEVATORS
RETAIL
LOWER LOBBY
BANK OR RETAIL

CONCOURSE LEVEL PLAN
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

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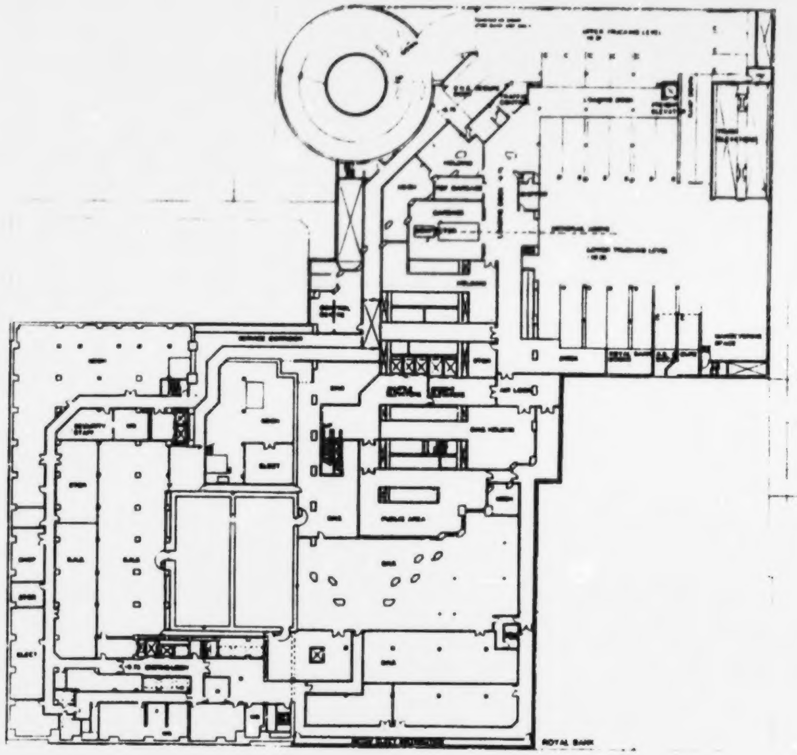
UPPER TRUCKING LEVEL
LOWER TRUCKING LEVEL
PUBLIC AREA
ROYAL BANK

SERVICE LEVEL
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

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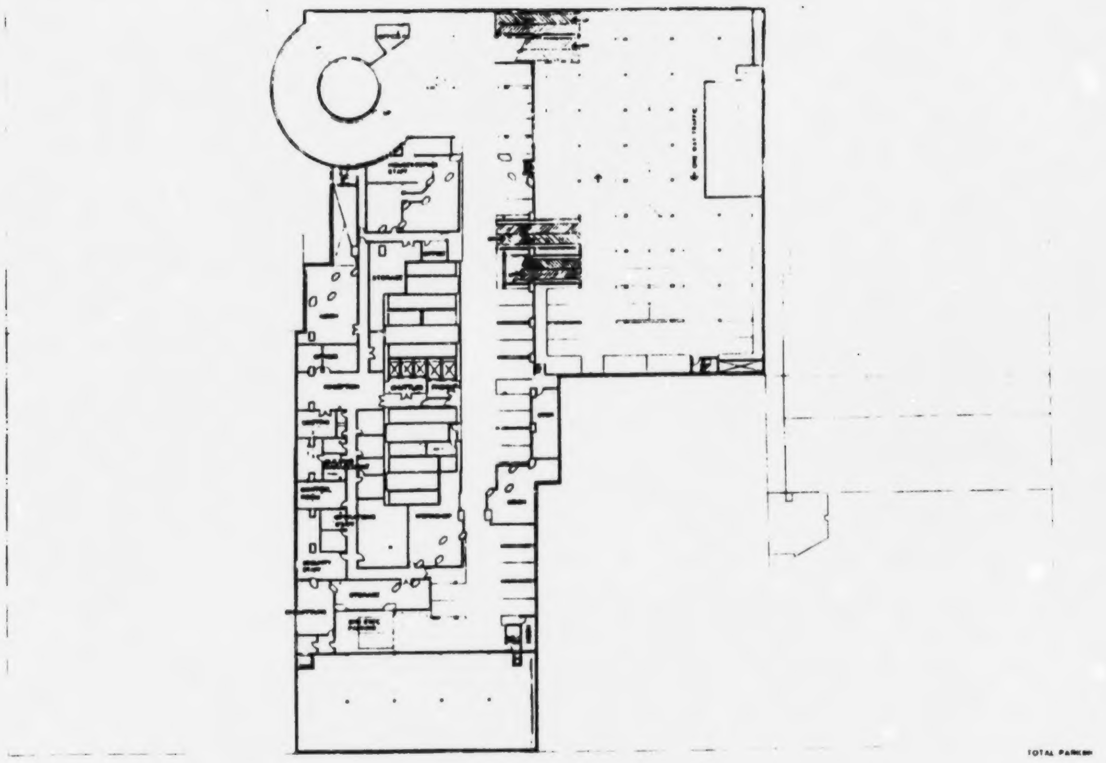
ONE WAY TRAFFIC
TOTAL PARKING

PARKING LEVEL 1
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

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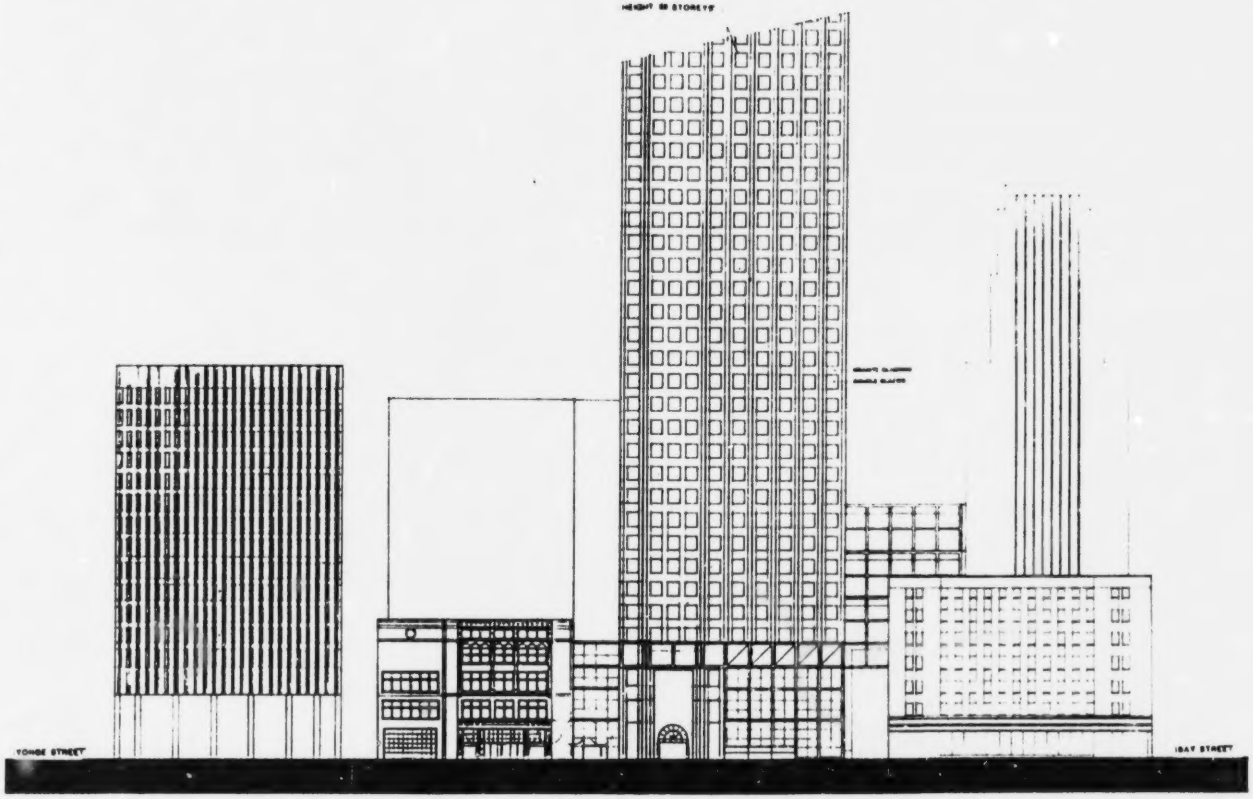
HEIGHT [illegible] STOREYS
YONGE STREET
BAY STREET

NORTH ELEVATION (ADELAIDE ST)
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
FEB 1984

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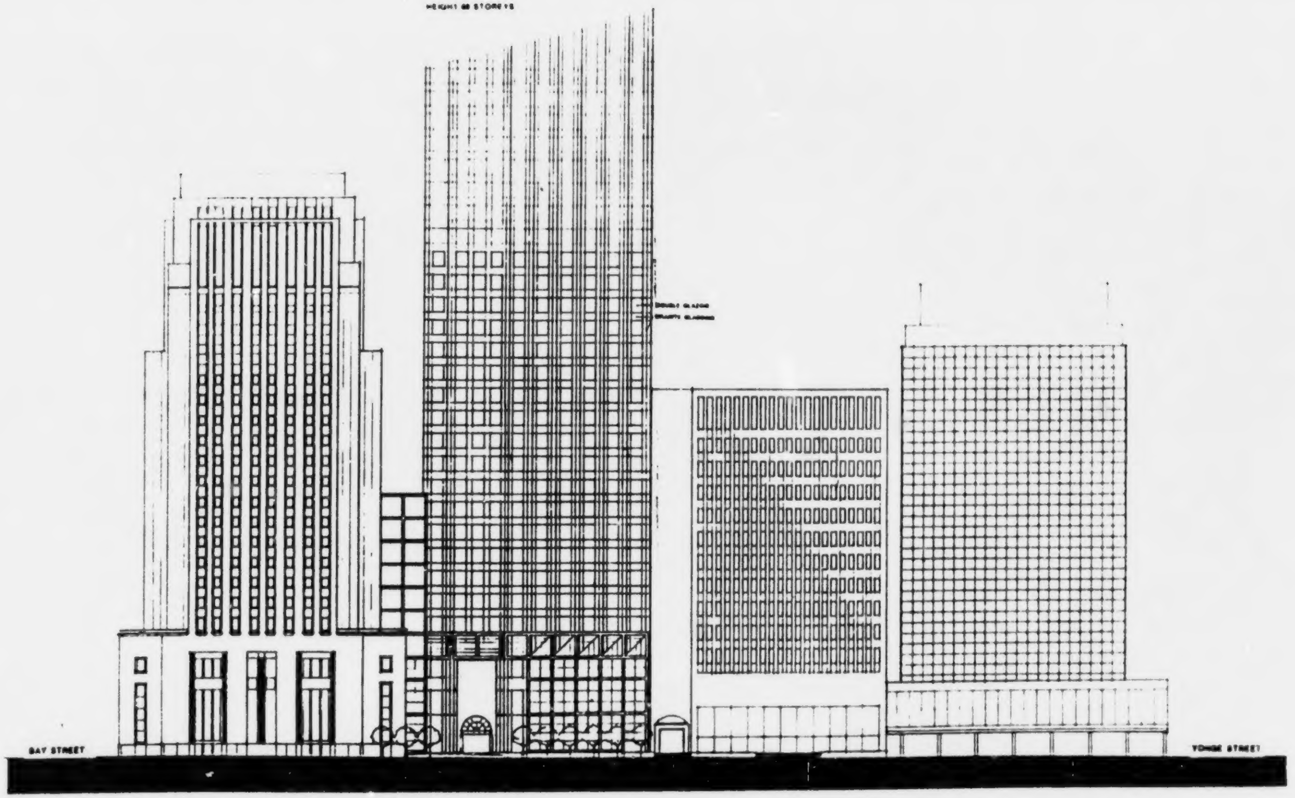

SOUTH ELEVATION (KING STREET)
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

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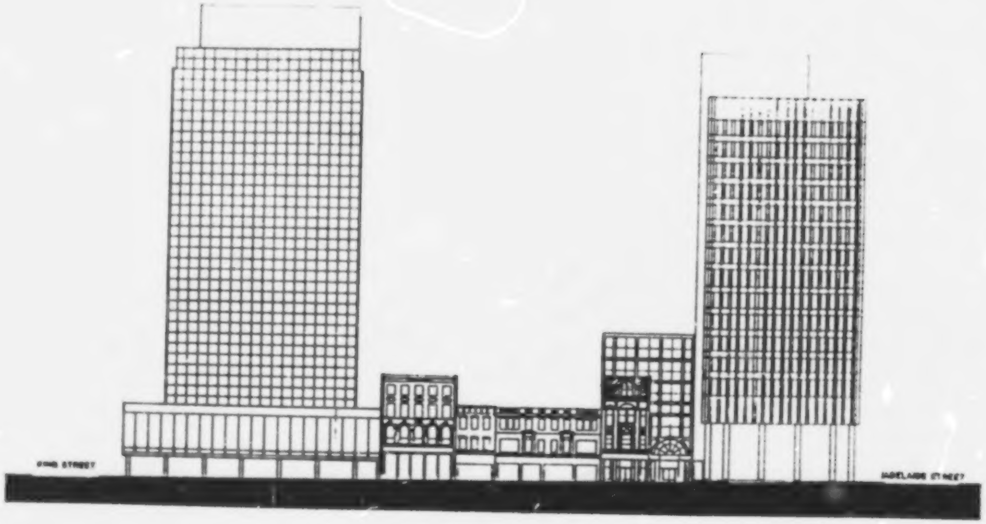
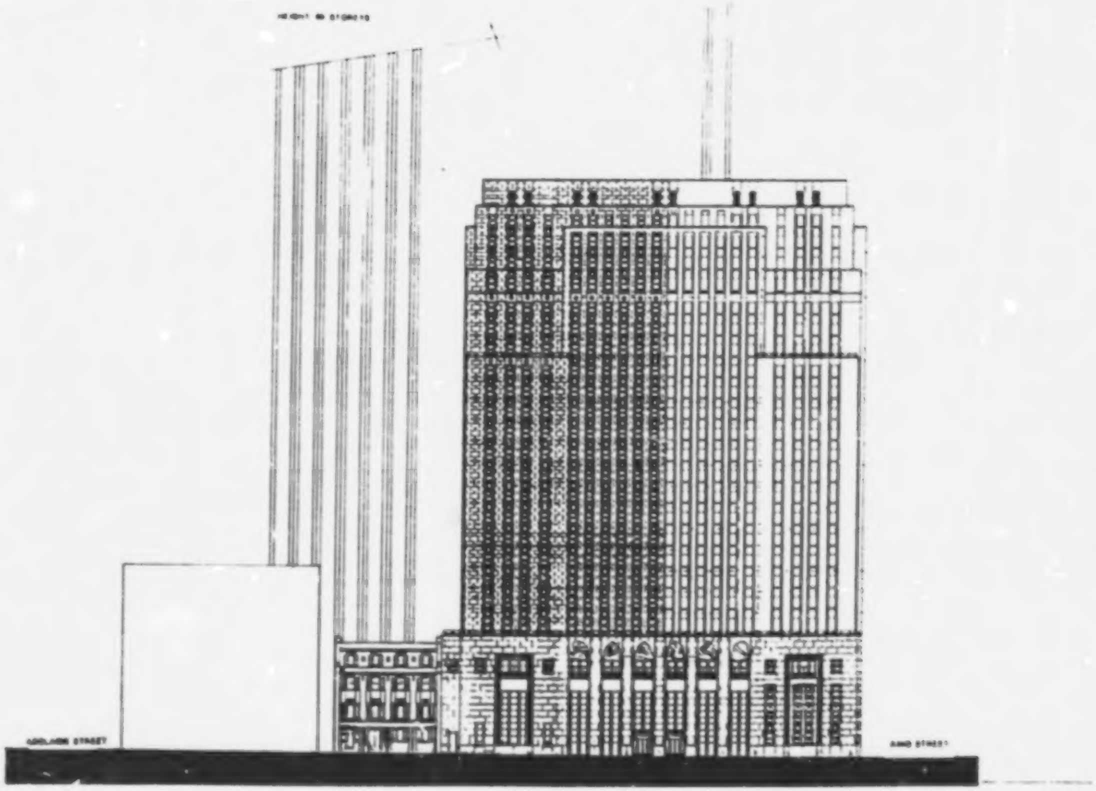


EAST ELEVATION (YONGE STREET)
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
FEB. ,1984

13



WEST ELEVATION (BAY STREET)
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

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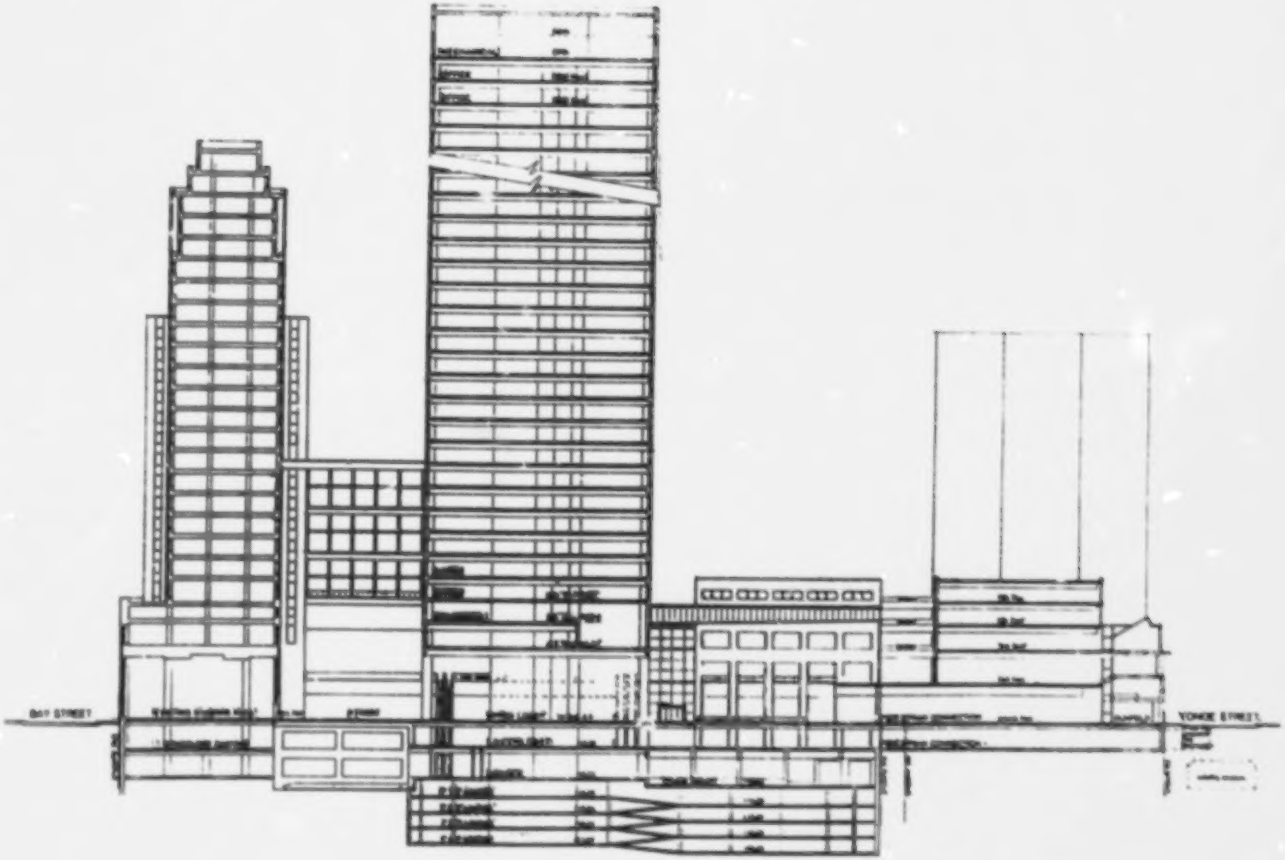
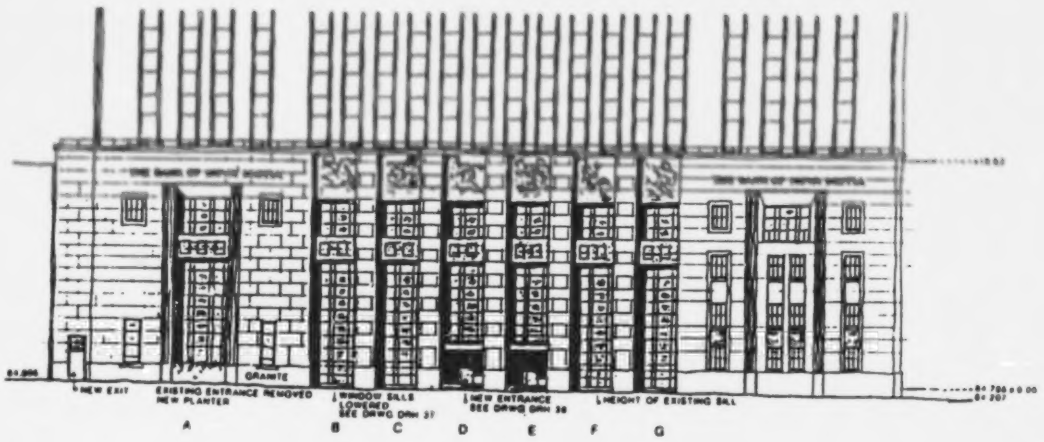


EAST - WEST SECTION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
FEB. 1984

15


NEW EXIT
EXISTING ENTRANCE REMOVED
NEW PLANTER
GRANITE
WINDOW SILLS LOWERED
SEE DRWG DRH 37
NEW ENTRANCE
SEE DRWG DRH 38
HEIGHT OF EXISTING SILL
A
B
C
D
E
F
G

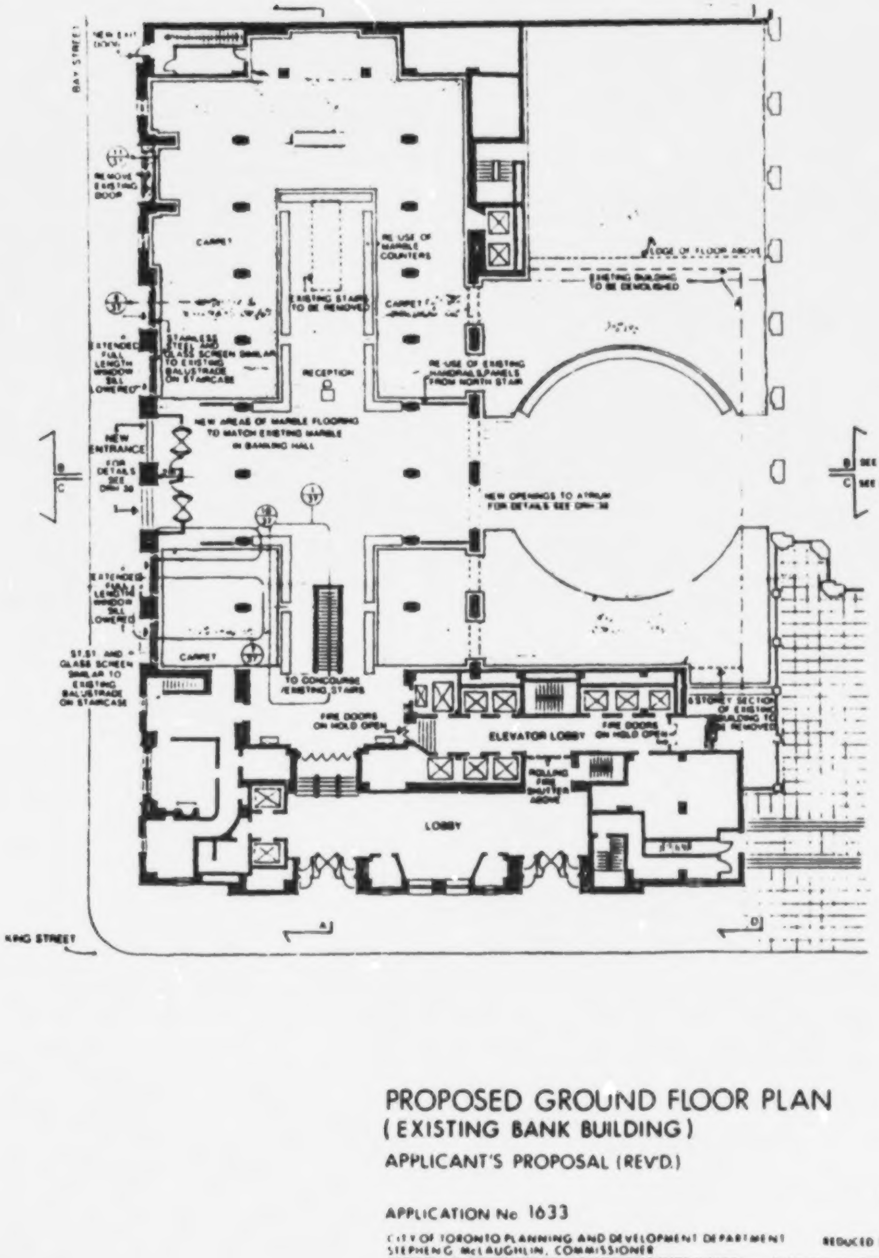
PROPOSED BAY STREET ELEVATION
(EXISTING BANK BUILDING)
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB. 1984

16


BAY STREET
NEW EXIT DOOR
REMOVE EXISTING DOOR
CARPET
RE USE OF MARBLE COUNTERS
EXISTING STAIRS TO BE REMOVED
CARPET
EXTENDED FULL LENGTH WINDOW SILL LOWERED
STAINLESS STEEL AND GLASS SCREEN SIMILAR TO EXISTING BALUSTRADE ON STAIRCASE
RECEPTION
RE USE OF EXISTING HANDRAILS & PANELS FROM NORTH STAIR
EDGE OF FLOOR ABOVE
EXISTING BUILDING TO BE DEMOLISHED
NEW ENTRANCE
FOR DETAILS SEE DRW 30
NEW AREAS OF MARBLE FLOORING TO MATCH EXISTING MARBLE IN BANKING HALL
NEW OPENINGS TO ATRIUM FOR DETAILS SEE DRW 30
B SEE DRW 34
C SEE DRW 35
EXTENDED FULL LENGTH WINDOW SILL LOWERED
ST.ST. AND GLASS SCREEN SIMILAR TO EXISTING BALUSTRADE ON STAIRCASE
CARPET
TO CONCOURSE /EXISTING STAIRS
FIRE DOORS ON HOLD OPEN
ELEVATOR LOBBY
FIRE DOORS ON HOLD OPEN
6 STOREY SECTION OF EXISTING BUILDING TO BE REMOVED
ROLLING FIRE SHUTTER ABOVE
LOBBY
KING STREET
A
D

PROPOSED GROUND FLOOR PLAN
(EXISTING BANK BUILDING)

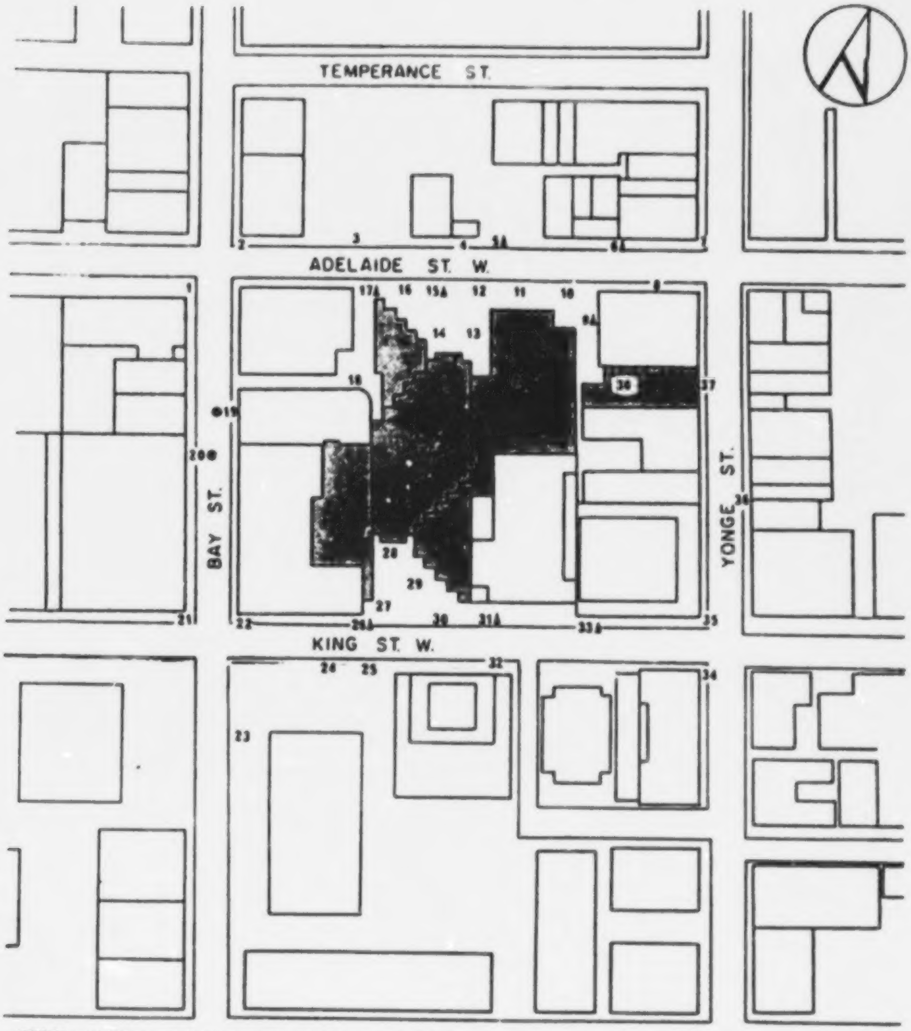
APPLICANT'S PROPOSAL (REV'D.)

17

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB. 1984


TEMPERANCE ST.
ADELAIDE ST. W.
KING ST. W.
BAY ST.
YONGE ST.
1
2
3
4
5▲
6▲
7
8
9▲
10
11
12
13
14
15▲
16
17▲
18
●19
20●
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36
37
38

NOTE: NUMBERS INDICATE THE GENERAL LOCATION OF THE WIND SPEED MEASUREMENTS.

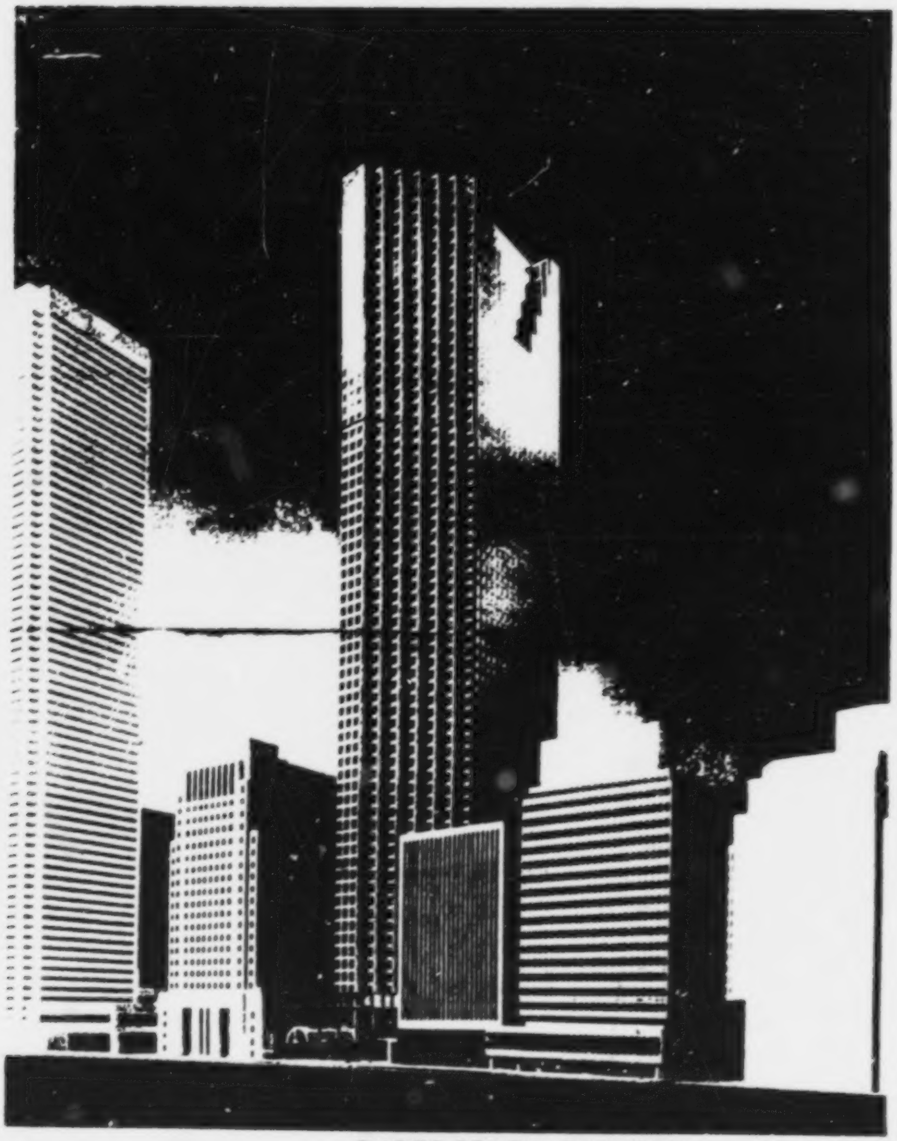
LEGEND:

- ▲ WIND SPEED INCREASES IN RELATION TO PROPOSED ACTIVITY
- ● WIND SPEED DECREASES IN RELATION TO PROPOSED ACTIVITY

18

LOCATIONS OF RELATIVE WIND SPEED MEASUREMENTS
APPROX SCALE 1:2000

PROPOSED SCOTIA PLAZA
PEDESTRIAL LEVEL WIND STUDY

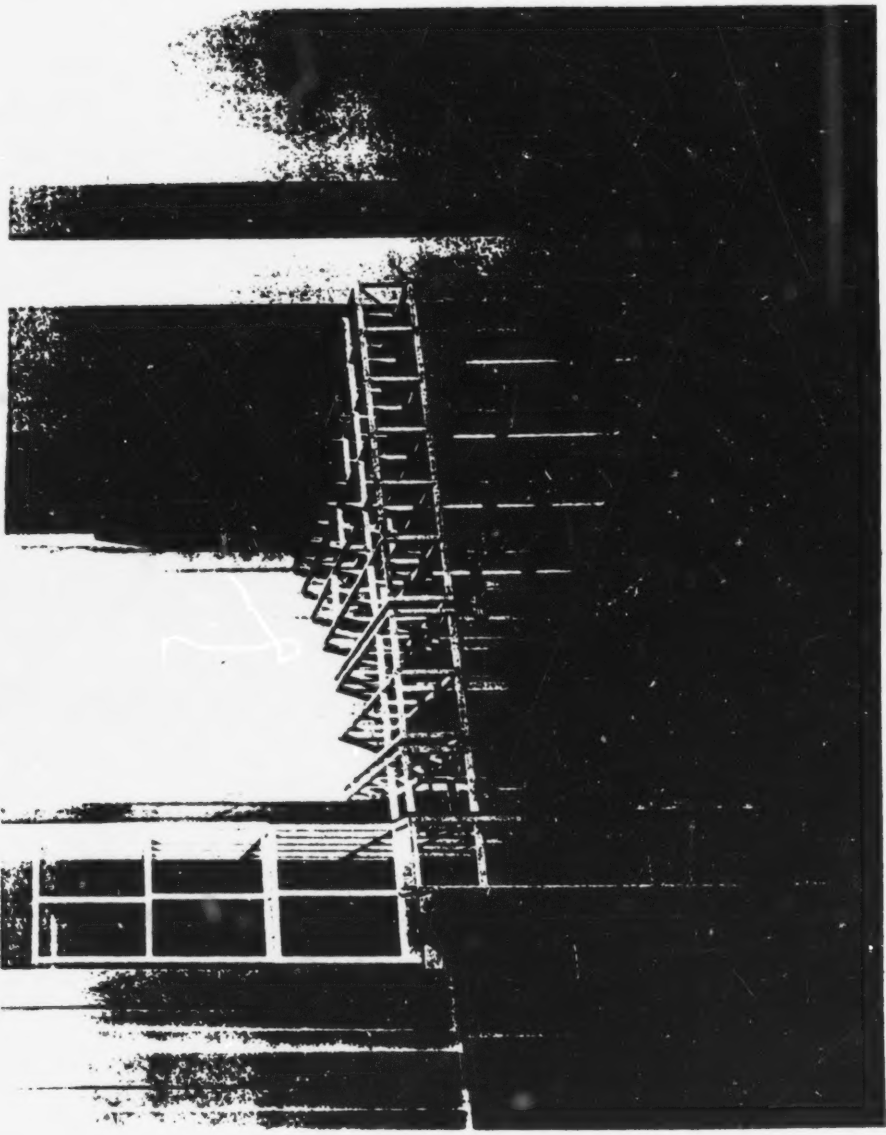


19

PHOTOGRAPH OF MODEL
VIEW FROM KING STREET WEST
APPLICANT'S PROPOSAL (REV'D)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
FEB. 1984



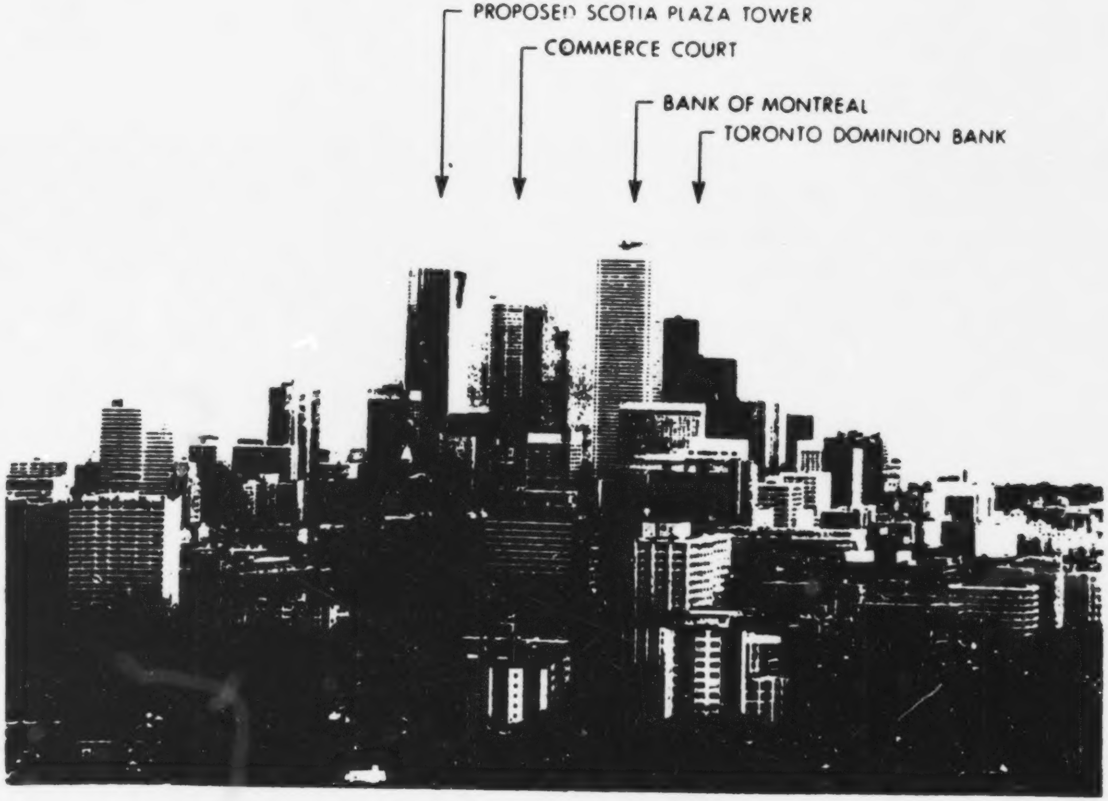
KING STREET ENTRANCE COURT

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB 1984

20


PROPOSED SCOTIA PLAZA TOWER
COMMERCE COURT
BANK OF MONTREAL
TORONTO DOMINION BANK

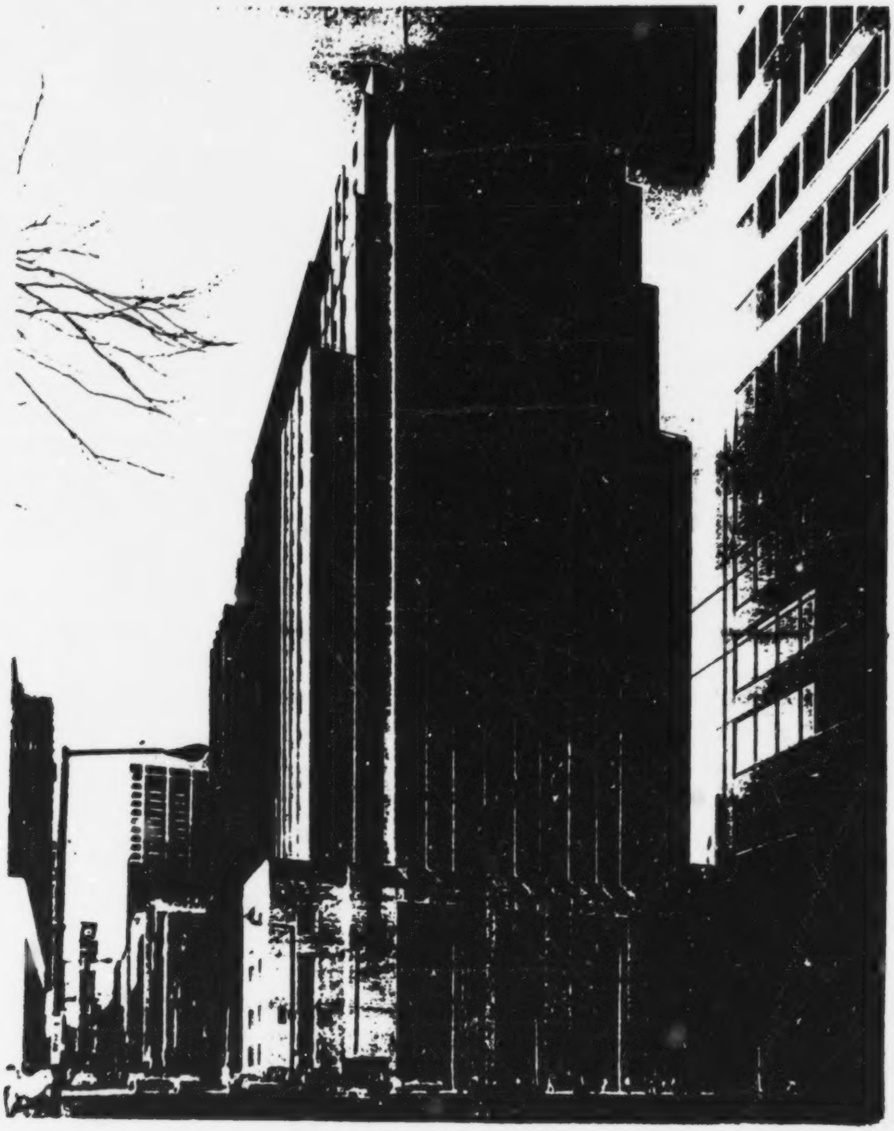
DOWNTOWN SKYLINE
PROPOSED SCOTIA PLAZA TOWER

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION
FEB 1984

21



22

BANK OF NOVA SCOTIA BUILDING
APPLICANT'S SUBMISSION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
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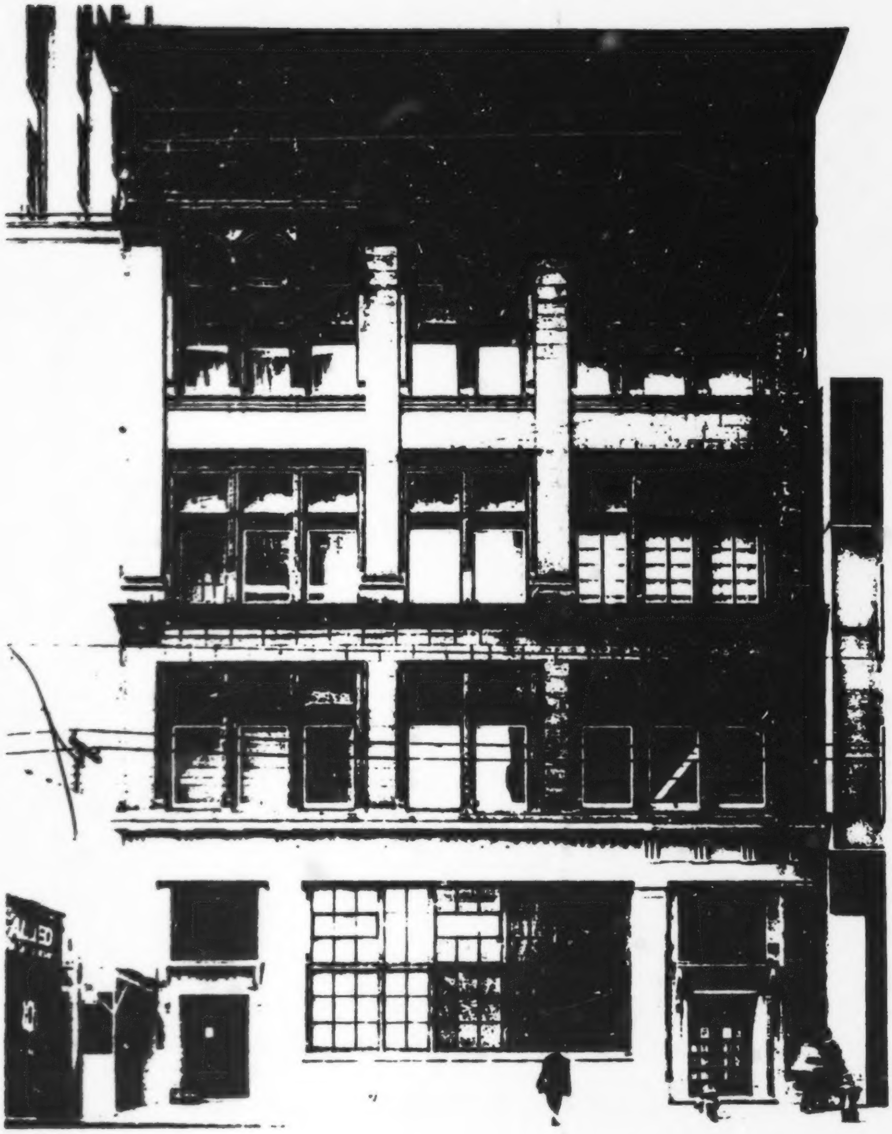
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
FEB. 1984



23

WOOD-GUNDY FACADE
APPLICANT'S SUBMISSION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
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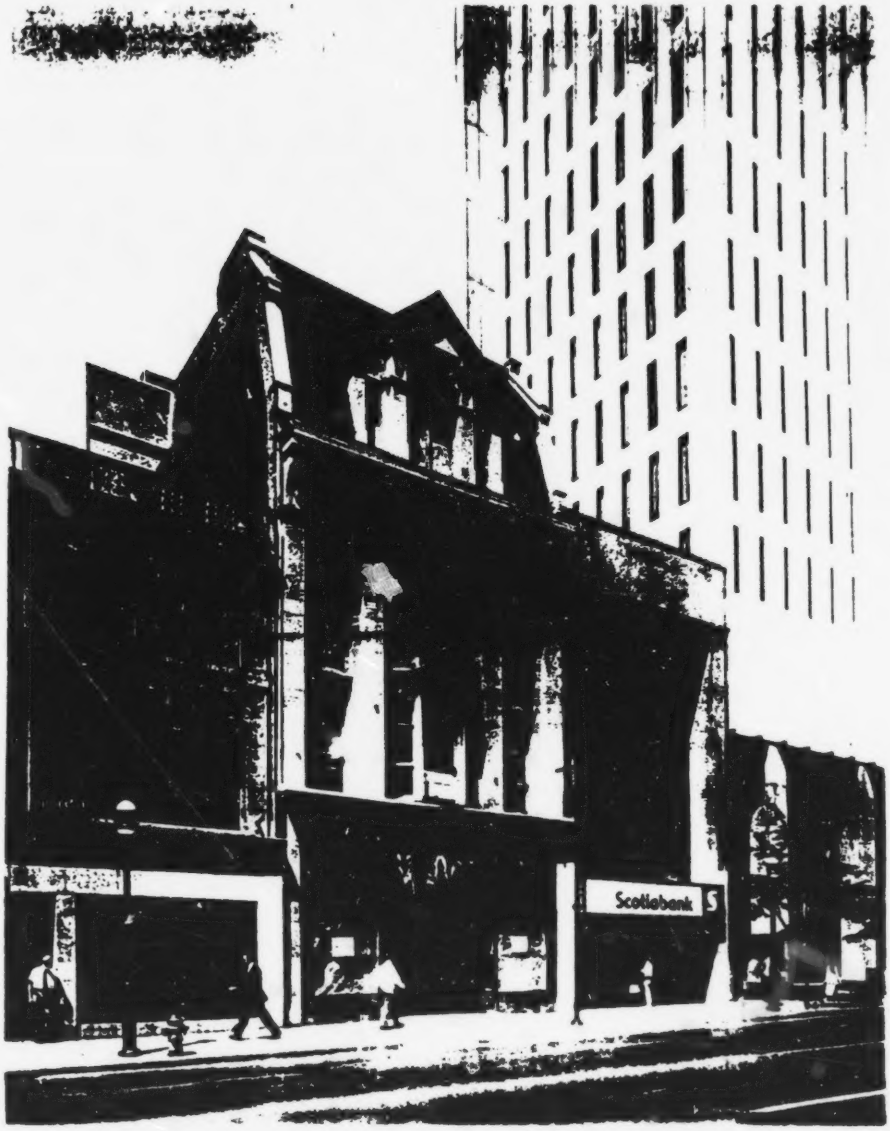

24

DUNFIELD BUILDING ON YONGE STREET
APPLICANT'S SUBMISSION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

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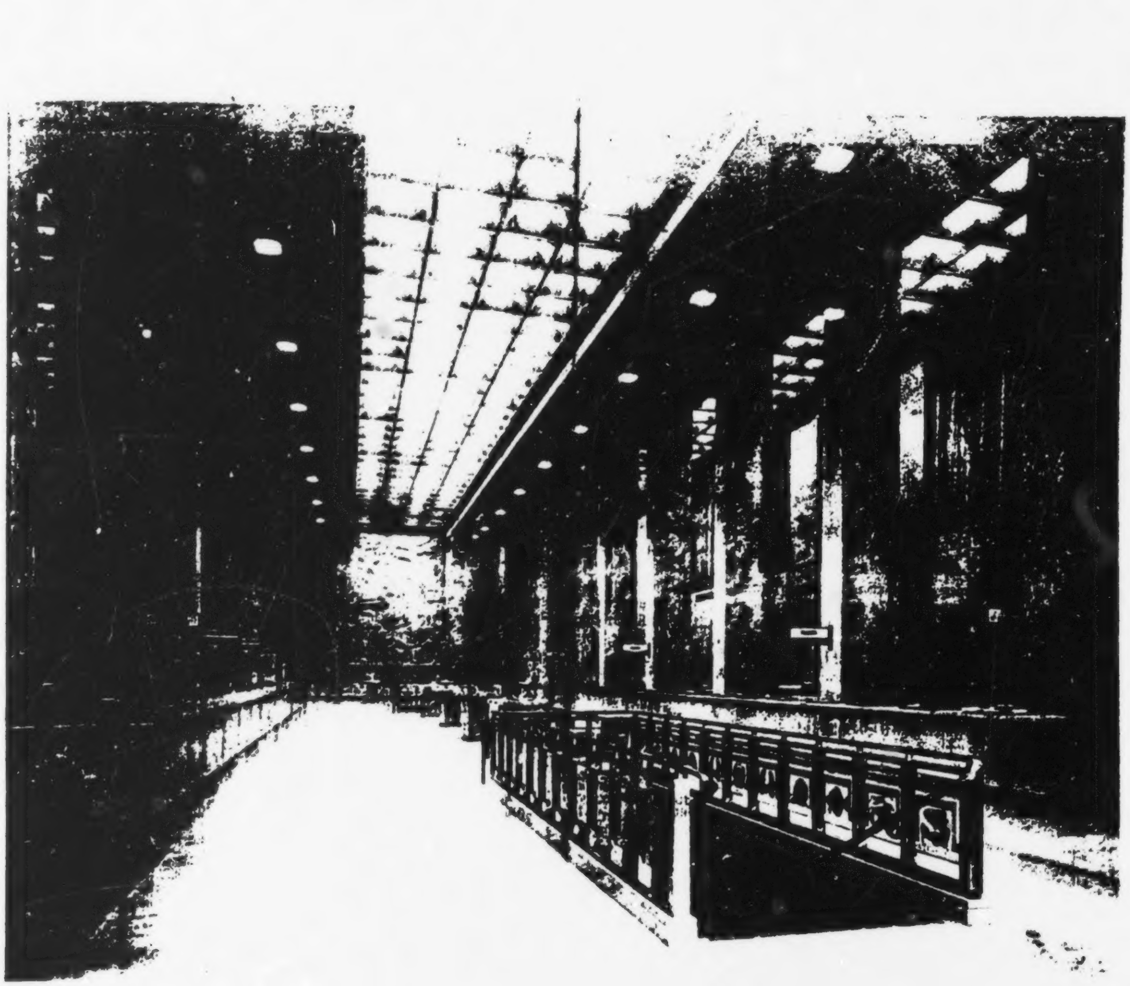

BANK OF NOVA SCOTIA BANKING HALL

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G McLAUGHLIN, COMMISSIONER

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

FEB 1984

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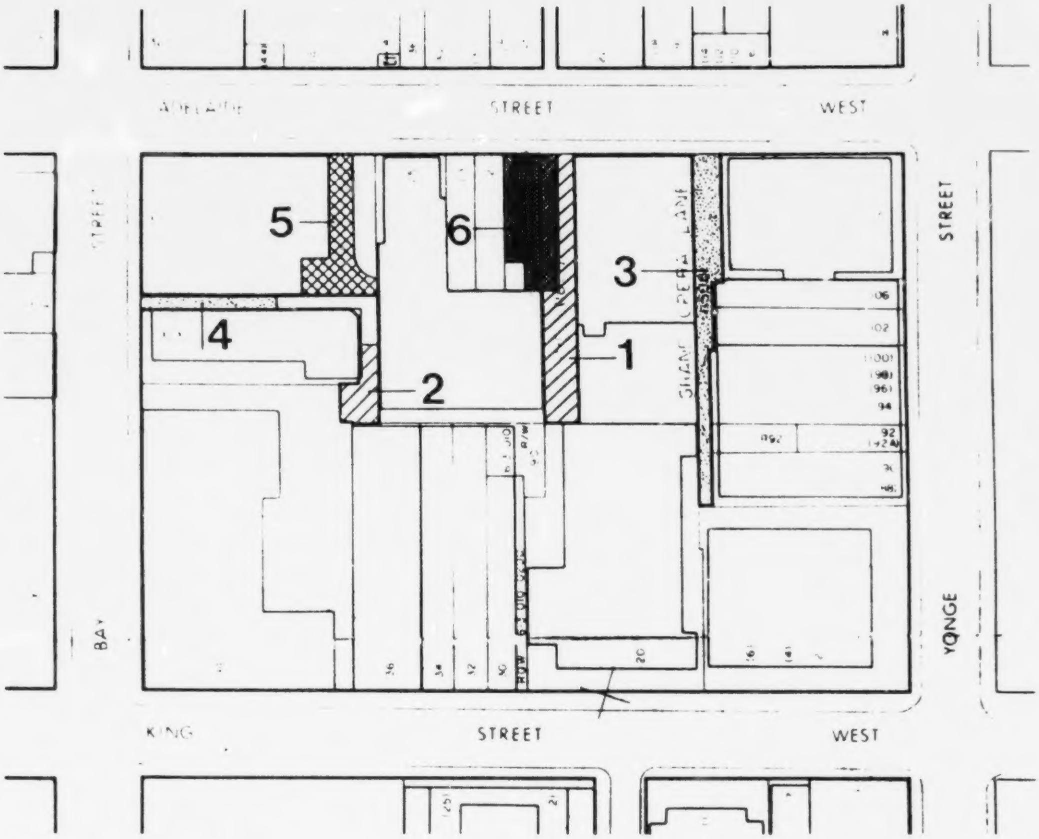
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BAY STREET
KING STREET WEST
YONGE STREET
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▨ PROPOSED CLOSING

▩ PROPOSED OPENING

░ FORMERLY PROPOSED CLOSING

■ PROPOSED EASEMENT

26

STREETS AND LANES
APPLICANT'S PROPOSAL (REV'D.)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
FEB ,1984

The Committee also submits the report (March 2, 1984) from the Commissioner of Planning and Development:

Subject: Final Report on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street.

Origin: City Clerk, upon application by Campeau Corporation, dated August 13, 1982, and revised January 17, 1983. (c71luc84096:81)

Comments:

1. Background

On December 13, 1982, the Land Use Committee had before it my preliminary report (December 3, 1982) on the subject application. In that report, I describe the proposal which is essentially to amend the 1969 Site Plan By-law, as amended, and Building Scheme Agreement, as amended, for the Harbour Square Lands so as to permit a mixed commercial-residential development on the block bounded by Harbour Street, Bay Street, Queens Quay West and the York Street ramp (Map 1).

The type of development to occur under Site Plan By-Law No. 255-69, as amended, and the Building Scheme Agreement, as amended, can generally be described as comprising two 38-storey office towers rising above a 6-storey exposed parking garage. The applicant is seeking to replace this approved scheme with one which utilizes about the same amount of gross floor area, but is comprised of a wider variety of uses contained within smaller scale buildings.

The present Part I Official Plan designation for the Harbour Square lands and surrounding area is Central Harbour. Section 5.16 of the Plan states: "It is the policy of Council that the Central Harbour be developed with residential, commercial, parks, recreational and public uses...." My report on amendments to the Part I Official Plan for the Central Waterfront, entitled The Central Waterfront: Proposals (April, 1982), reinforces this general policy of permitting a broad mix of compatible uses within the Central Bayfront and Harbourfront areas. The report also makes particular reference to the subject site in respect to this, suggesting that if the opportunity arises to amend the 1969 Building Scheme Agreement, the City should ensure that the following objectives are achieved:

"a) a reduction in office commercial in exchange for a mix of uses more consistent with the objectives of this proposed Plan; and

b) a redesign of the project to provide convenient pedestrian connections to the north, and make the development a more pedestrian oriented scheme."

The subject application and the concurrent application (No. 1633) for "Scotia Plaza" at King and Bay have provided the opportunity to open up the Building Scheme Agreement as it applies to the Harbour Square site at 10 Bay. As discussed in my preliminary reports on both applications, Campeau Corporation, being one of the parties to the Agreement, is proposing to exchange a portion of the office gross floor area now permitted at 10 Bay, for approximately the same amount of residential gross floor area now permitted on the site at King and Bay. As I have outlined in previous reports on the applications, I am recommending approval of such a trade in uses between the Scotia Plaza site and the Waterpark Place site.

I am of the opinion that significant benefits will accrue to the City in permitting this use exchange. The present scheme permitted on the Waterpark Place site would be altered to reflect the current Central Waterfront planning objectives referred to above. The proposed mixture of residential and commercial uses would, in my opinion, create a more suitable development for the Central Bayfront than now permitted. The use exchange allows housing to be built in the central city which, in my view, would probably not be taken advantage of at King and Bay. Other benefits that will accrue to the City which I have also considered in recommending the exchange of uses, include the provision of daycare on both sites, provision of a site capable of accommodating some 200 assisted housing units, and the development of a linear landscaped open space along Queens Quay. The linear open space, together with excellent pedestrian walkways both at-grade and above-grade, will assist in linking the Downtown to the Waterfront and help to achieve the planning goal of increasing public use and enjoyment of the Central Waterfront. Further, the proposal incorporates residential, commercial and street-related retail uses around the street edges, in place of the exposed parking of the 1969 Scheme. This will increase substantially the public accessibility of the development. All in all, the Waterpark Place proposal represents a major improvement in line with existing and emerging policies for the Waterfront.

In my preliminary report (December 3, 1982) on the application, I recommend:

"1. That the applicant be requested to revise Application No. 1629 so as to more clearly define therein the proposed building envelopes, including height and setback conditions, taking into consideration the findings of the Pedestrian Level Wind Study For Proposed Waterpark Place (October 20, 1982), prepared by Morrison, Hershfield, Theakston and Rowan, Limited.

2. That upon receipt of Application No. 1629, revised in accordance with Recommendation No. 1 above, the application be forwarded to the Commissioner of Buildings and Inspections, Commissioner of Public Works, Commissioner of Parks and Recreation, Metropolitan Commissioner of Planning, and the City Solicitor for their comments, to be forwarded directly to the Commissioner of Planning and Development.

3. That the Commissioner of Housing be authorized to continue discussions with the applicant to secure, to the satisfaction of the Commissioner, one or more sites to accommodate approximately 200 units of assisted housing, a substantial portion of which should be suitable for families with children.

4. That I be requested to report further on the application following the public meeting(s) recommended in my report to the Planning Board dated December 10, 1982."

The Land Use Committee amended the preliminary report by adding the following recommendations respecting the final report for the subject application:

"5. That in the final report the planners indicate when and how the Harbour and York/Bay ramps might be relocated to the west side of York Street and the positive changes this will permit in the siting of buildings;

6. That the final report incorporates reasonable and specific time limits for the construction of a sizable portion of the commercial space."

At its December 13th meeting, the Land Use Committee also had before it my covering report (December 10, 1982) on Application Nos. 1629 and 1633, which explains the relationship between the rezoning application for Waterpark Place and the concurrent application for Official Plan and Zoning By-Law amendments to permit the proposed Scotia Plaza development. The final report on Application No. 1633 for Scotia Plaza is also now before your Committee.

On January 17, 1983, Campeau Corporation submitted a revised application in accordance with the foregoing Recommendation 1. Pursuant to Recommendation 2, the revisions were circulated to the appropriate officials for comment. I submitted a report (March 23, 1983) on the revisions, to the Land Use Committee for consideration at its meeting held on April 6, 1983. The Committee decided to request the Commissioner of Planning and Development to seek further revisions to the application to accomplish the following:

"1. to encourage the elimination of the York and Harbour Street ramps;

2. to lessen the height in impact of the buildings on the site; and

3. to create stronger mid-block streets."

Negotiations with Campeau Corporation respecting the foregoing recommendations and requests from the Land Use Committee have concluded. Two public meetings have been held, and the circulation of the revised application is complete. Accordingly, I am now in a position to make final recommendations for amendments to Site Plan By-law No. 255-69, as amended, so as to permit the proposed Waterpark Place development. I am not, however, able to report on amendments to the Building Scheme Agreement at this time. My report on this aspect of the application can be expected shortly.

Section 2 following describes the recommended scheme. Section 3 discusses the comments received as a result of the circulation of the application, the results of the public meetings, and other considerations of importance in the evaluation of the proposal, including the matters raised by the Land Use Committee. Section 4 discusses the matter of amending the Building Scheme Agreement, and Section 5 contains concluding remarks respecting the application.

2. Development Proposal

2.1 Site Description

The lands at 10 Bay Street are 1.58 hectares in size (3.9 acres) and are currently used as a parking lot (Map 1). The surrounding area includes the Harbour Square condominiums along Queens Quay to the south; the Harbour Castle convention facility on Bay Street to the east; the T.H.C. and O.P.P. buildings on Harbour Street to the north; and the York Street spiral off-ramp from the Gardiner Expressway directly to the west. The Bay Street off-ramp from the Gardiner adjoins the site along its Harbour Street edge.

2.2 Building Envelopes

2.2.1 High-Rise Commercial

The building envelopes which are proposed to be included in the amended Site Plan By-law are outlined on Maps 1 to 5 contained in Appendix B. As shown, two high-rise commercial buildings would be located at the east end of the site - one near the corner of Bay and Harbour, the other at the corner of Bay and Queens Quay. They would be separated from two residential towers at the west end of the site by a distance of at least 210 feet.

Part 1 of the zoning envelope, as shown on Map 1, would require the north office tower to be built to the property line on Harbour Street, but there would be a set back of 30 feet from Bay Street. The purpose of the set back is to provide for a low-rise commercial podium. The podium, to be contained within Part 2 of the envelope, would extend south along Bay to the second office tower, and west between the two towers (Map 4). It provides a minimum separating distance of 61 feet between the towers, and is important in reducing pedestrian level wind conditions on Bay. The south office tower is to be accommodated within the envelope designated Part 3 on Map 1. The zoning would require that this tower be built to the property line along both Bay and Queens Quay, thereby giving strong definition to the street edge.

The envelopes containing the three commercial components have an east-west dimension of between 214 feet 9 inches and 234 feet 9 inches. The purpose of the 20 foot range is to allow some flexibility for refining the detailed design.

Both maximum and minimum heights are specified for all three commercial components (Maps 1 to 4, Appendix B). The maximum heights of the north tower, south tower and low-rise are, respectively, 445 feet (37 storeys), 325 feet (27 storeys) and 85 feet (7 storeys). The respective minimum heights are 325 feet (27 storeys), 145 feet (12 storeys) and 36 feet (3 storeys). The minimums are intended to ensure that the building mass is properly proportioned, and to ensure that the south tower cannot be taller than the north tower.

2.2.2 High-Rise Residential

The high-rise residential envelope on the west side of the site, shown as Part 8 on Map 1, is designed to accommodate two point towers up to a height of 350 feet (38 storeys). A minimum height of 145 feet (14 storeys) is specified, consistent with the minimum for the south commercial building at Bay Street. A set back of 40 feet from the south property line would be required in order to provide for linear landscaped open space, which is to extend from the west edge of the project eastward to the south office tower (Map 5). The east-west dimension of the envelope ranges from 139 feet 9 inches to 159 feet 9 inches, thereby providing the same degree of design flexibility as given to the commercial envelope. The final siting of the towers should be required to comply with the City's Light, View and Privacy Standards respecting setback conditions for residential buildings. The applicant has submitted, for the sake of illustration, four plans showing alternative building configurations. These are contained in Appendix C.

The proposed residential zoning envelope would also contain a relatively small amount of street-related retail and office space along Harbour and Queens Quay. The zoning amendment should specify the maximum amount of non-residential use to be permitted.

2.2.3 Mixed-Use Podium

The recommended building envelope which would contain the podium connecting the high-rise commercial and residential buildings is made up of four distinct parts, as outlined on Map 1 contained in Appendix B. At the north end, Part 4 of the envelope has a height limit of 85 feet increasing to 145 feet along an angular plane. This is intended to accommodate a parking structure which would ultimately be faced with retail and office uses along Harbour, and topped with terrace housing stepping up from 8 storeys on the east to 14 storeys on the west (Maps 2 and 3). The central portion of the podium envelope, Part 5, is expected to accommodate another section of the parking structure, up to a height of 45 feet (4 storeys). The roof of the parking structure would serve as a landscaped deck, with structures associated with recreational facilities, such as a glass enclosure for a swimming pool, permitted to an additional height of 40 feet (Figure 2, Appendix D).

Part 6 of the podium envelope, located at the south end, would accommodate street-related retail uses, parking on the interior, and housing on top - up to a maximum height of 85 feet (8 storeys). Part 7 of the envelope projects out 15 feet from the face of the high-rise residential envelope and Part 6 of the podium envelope, but only above the first storey and up to a maximum height of 45 feet (See Map 5). It would form a three-storey, cantilevered building canopy along Queens Quay for the full length of the linear open space. A weather-protected walkway would run beneath, and a full range of uses would be permitted within.

2.3 Use and Density

The Harbour Square Site Plan By-law now permits 1,483,000 square feet of commercial gross floor area and 500,000 square feet of parking space to be erected above grade on the subject site. The recommended amendment would permit a maximum commercial-residential density of 1,411,342 square feet plus 320,000 square feet of parking above grade. The applicant is also proposing to construct approximately 300,000 square feet of parking below grade. This could result in about 1,600 parking spaces above and below grade.

The specific allocation of parking to commercial and residential uses would be confirmed at the time of Development Review. However, the proposed zoning amendment would require conformity with current City standards as set out in the Central Area Parking and Loading By-law (By-law No. 236-83), as amended. Accordingly, some 560 spaces would be the minimum commercial-residential requirement. The maximum commercial requirement under By-law No. 236-83 would be about 545 spaces, and while there is no maximum specified for dwelling units, the applicant is proposing some 575 spaces for the residential buildings. Thus, up to approximately 1,120 spaces can be expected for uses within the development. In addition, 500 public spaces are to be secured for the Municipality of Metropolitan Toronto pursuant to the 1969 Triparty Agreement respecting parking for visitors to the Toronto Islands. The proposed parking structure could therefore accommodate a total of some 1,620 spaces. The matter of parking is discussed further in Section 3.2.1.

The precise figures for the commercial and residential gross floor area devolve from considerations related to the Scotia Plaza proposal, which are set out in my concurrent report on that application. Accordingly, a maximum of 603,875 square feet (56 100 square metres) of commercial gross floor area is to be transferred to the Scotia Plaza site, in exchange for 532,217 square feet (49 443 square metres) of residential gross floor area. This amount of residential gross floor area reflects the maximum residential density permitted by the Official Plan on the Scotia Plaza site. Because the housing component of the transfer has a lesser gross floor area than the office component, the final maximum permitted gross floor area at Waterpark Place would be reduced from 1,483,000 square feet to 1,411,342 square feet.

The total density permitted by the present zoning on the site of Waterpark Place, including parking above grade, is 11.5 times the area of the lot. This would be reduced to 10.1 under the proposed amendments, largely because of below grade parking. Following are the gross floor area figures recommended for each permitted use and the percentage of the total density they represent. The total of the individual figures exceeds the maximum permitted gross floor area, since a small amount of flexibility is proposed for varying densities for the different types of non-residential uses, so long as the overall maximum is not exceeded.

	Gross Floor Area		
Use	(sq. ft.)	(sq. m.)	Density

Office	830,000	77 110	4.8x
Retail/Community Facilities	55,000	5 110	0.3x
Residential	532,217	49 443	3.1x
Parking/loading above grade	320,000	29 728	1.9x
Maximum Permitted	1,731,342	160 841	10.1x

The Zoning By-law amendments should specify permitted uses for the building envelopes described in Section 2.2, and total gross floor areas per use as detailed above. Community services and facilities should be allowed in all of the building envelopes to provide as much flexibility as possible for the accommodation of daycare facilities. Further, the zoning amendments should exclude parking below grade from the calculation of density, and require a reasonable amount of street-related retail and service uses. Parking should not be permitted at the edges of the building envelopes other than within the first four storeys of the podium and residental envelopes along Harbour (Parts 4 and 8, Map 1, Appendix B). The exception along Harbour is recommended in view of the undesirable facing condition presented by the expressway ramp. The applicant has agreed to convert such parking to street-related retail and office uses upon removal of the ramp. In order to provide for this conversion, at least 5,400 square feet (500 square metres) of retail gross floor area and at least 28,000 square feet (2 600 square metes) of office gross floor area should be reserved within the zoning aggregates specified above.

2.4 Pedestrian Links and Street Improvements

Figures 1 and 2 contained in Appendix D illustrate a possible ground floor plan and roof plan for Waterpark Place. The public amenities described following are generally shown.

2.4.1 Colonnade

The proposed scheme incorporates an at-grade colonnade around the commercial buildings and along the full extent of Harbour Street. The portion along Bay Street would have a minimum width of 20 feet (6.1 metes) and the portions along Harbour and Queens Quay, a minimum width of 15 feet (4.6 metres). These generous dimensions are recommended in consideration of the heavy pedestrian traffic which can be expected to develop over time, on all streets in the Central Bayfront area. Weather-protection is an important feature of the colonnade given the strong winds which may be experienced in the vicinity of Bay Street. I will be requiring that an easement under the colonnade be granted to the City prior to the passing of the zoning amendment and other by-laws referred to in this report. This easement would replace the provision in the 1969 Building Scheme Agreement under which Campeau agrees to provide a through block easement linking Harbour Street and Queens Quay for pedestrian purposes. I will be reporting further on this matter.

2.4.2 Mid-Block Connections

The scheme incorporates two mid-block pedestrian connections between Queens Quay and Harbour. The walkways are located along the driveways which give access to the office towers and the residential buildings. They would be covered and have a minimum width of 10 feet (3 metres). The midblock pedestrian connections should be secured in Development Review.

Provision has been made for linkage with the proposed pedestrian "Blue Route" which should eventually extend from Union Station to the waterfront between Bay and York. Campeau has proposed that it will pay for the construction of a pedestrian bridge over Harbour Street, connecting Waterpark Place with the Blue Route on the Toronto Harbour Commissioner's lands, when the Blue Route is built. The development would accommodate a circulation area containing stairs and an escalator to provide convenient access from the pedestrian bridge to the colonnade on Harbour and Bay Streets, as well as to the easterly mid-block walkway. Negotiations will have to be undertaken with the Toronto Harbour Commissioners with respect to the establishment of a pedestrian walkway over their lands north of Harbour Street, including the connection to the proposed bridge over Harbour Street. The proposal to construct the Harbour Street Bridge is in lieu of the 1969 Building Scheme Agreement provision under which Campeau agreed to construct a pedestrian bridge over Queens Quay. Campeau has also agreed to construct a pedestrian bridge over Bay Street, linking the Hilton Hotel convention facility with Waterpark Place. I will be reporting further on these matters in consultation with the City Solicitor.

2.4.3 Linear Open Space and Boulevards

Another major public improvement which would be gained through the proposed development is the linear landscaped open space on the Queens Quay frontage. This facility is to comprise a high quality landscaped area of at least 0.5 acres (0.2 hectares). The facility should be provided for through zoning and Development Review.

Campeau has also agreed to pay for the upgrading of sidewalks and boulevards along both sides of Queens Quay and the west side of Bay Street. An improvement plan for the south side of Queens Quay, from Bay to the York Street Slip, has already been prepared. Work on this side of the street could begin in the near future. These street improvements would be secured through a collateral agreement between Campeau and the City.

2.4.4 Bay Street Canopy

Although not part of this application, I would note that Campeau has agreed to participate financially in the installation of a canopy over the sidewalk on the west side of Bay, from Queens Quay to the north end of the railway viaduct. The sections south of Lake Shore Boulevard are designed to be removable so they can be used elsewhere when the adjoining sites are developed and permanent colonnades are in place. The section north of Lake Shore Boulevard to the viaduct would be cantilevered over the sidewalk from the east wall of the Postal Delivery Building and remain over the long term. The section through the viaduct will also be permanent and consist of a glass wall enclosure built on top of the existing barrier wall separating the sidewalk and roadway.

The cost of the canopy project is to be shared by the City and Campeau, with contributions of approximately $150,000 and $350,000, respectively. The Budget Review Committee has approved the City's expenditure for the portion through the viaduct, and a detailed descriptive report will be submitted shortly to the City Services Committee. Approval from Metro for the portion within its roads jurisdiction (Lake Shore Boulevard to Queens Quay) is now being pursued. Construction could begin as early as August, 1984.

2.5 Daycare

Campeau has agreed to provide an on-site daycare facility which would accommodate a minimum of 50 children. Other locations may be considered subject to City Council's approval. I will be reporting further on this.

2.6 Assisted Housing

As indicated in my preliminary report, Campeau has agreed to provide the City with one or more sites which are capable accommodating approximately 200 dwelling units. This matter is dealt with in my concurrent report on Application No. 1633 for Scotia Plaza.

3. Considerations

3.1 Development Control

In my report (March 23, 1983) on revisions to the subject application, I indicate that the zoning envelopes proposed by Campeau - in particular, the high-rise commercial envelopes - permit a considerable amount of built form flexibility, and that I would consider means of providing reasonable design flexibility while ensuring that the essential characteristics of the scheme, as it has been presented, are maintained by the Zoning By-law provisions.

The recommended building envelopes outlined in Section 2.2 are substantially more refined than those originally proposed by the applicant as well as those discussed in my report (March 23, 1983) on revisions to the application. I am satisfied that the recommended zoning amendments, together with Council's approval powers under Section 40 of the Planning Act, and the amended Building Scheme Agreement, will provide the City with appropriate control over the final project.

3.2 Comments from Municipal Officials

Responses to the application have been received from the City Commissioners of Public Works, Parks and Recreation, and Buildings and Inspections; and from the Metro Commissioner of Planning. Their communciations are contained in Appendix A.

3.2.1 Public Works

The Commissioner of Public Works makes recommendations in his letter dated February 28, 1983, with respect to water distribution and sewer systems; refuse handling, storage and disposal; and streets, parking and access. I concur with the Commissioner's recommendations as set out, with the exception of two items which have been discussed further since the time of his letter, and now require modification.

Recommendation 13 would require deletion of access to Harbour Street via the driveway at the east end of the site. As discussed in Section 3.2.4 following, the Metro Planning Commissioner raises concern with respect to the location of both the east and west driveways. Consequently, the question of vehicular access should be reviewed further before final recommendations are made. This matter can be dealt with through Development Review and reported on at that time.

Recommendation 10 would require that a minimum total of 1,071 parking spaces be provided, including 318 spaces for residential use, 253 spaces for commercial use and visitors to the residential units, and 500 spaces pursuant to the 1969 agreement respecting public parking for visitors to the Toronto Islands. The residential and commercial requirements are based on the parking policies and standards adopted by City Council on October 1, 1980, as implemented by the Central Area Parking and Loading By-law (No. 236-83), as amended. The site is now exempt from this By-law. Since the time of the Commissioner's letter, modifications to the gross floor area breakdown of the project have been made, and further adjustments may be made in the detailed design process. Such changes would have an effect on the final parking requirements for the various uses to be included in the project. Consequently, rather than proposing specific fixed minimum requirements at this time, I recommend that the site be made subject to By-law No. 236-83, as amended. Thus, parking would be required in accordance with normal City standards for the Central Area, and final figures confirmed at the time of Development Review. This revised approach has been discussed with the Commissioner of Public Works and he is in agreement.

I would note that the applicant is proposing to provide the maximum number of commercial spaces which would be permitted under By-law No. 236-83 (approximately 545 spaces), and residential spaces well above the minimum requirement (approximately 575 spaces), for a total of some 1,120 spaces. When the 500 public recreational spaces are added, the total parking provision is expected to be in the order of about 1,620 spaces.

Those items recommended by the Commissioner which must be secured by way of zoning or collateral agreement are included in my recommendations below. The remaining items will be dealt with in my future report on Development Review.

One additional matter which should be noted pertains to Metro's recommended widening of lower Bay Street to accommodate an improved waterfront transit facility in the form of a Light Rapid Transit line on a reserved right-of-way. Metro and the Toronto Transit Commission proposed the Harbourfront LRT in their Central Waterfront Transportation Study (May 1983). The line would run south from Union Station along Bay Street, then westwards along Queens Quay to Spadina Avenue. Eventually, it could be extended further west to Exhibition Place and north along Spadina Avenue to the Bloor subway.

Prior to the release of the Metro/TTC Study, but in anticipation of its recommendations, the Metro Commissioner of Planning, in commenting on the Waterpark Place rezoning application, indicated that a 30-metre right-of-way is required along Bay between Queens Quay and Harbour, to accommodate an exclusive transit right-of-way. Accordingly, he recommended that the applicant be requested to convey to Metro, for roads purposes, a 4.7-metre wide strip of land along the Bay Street frontage of the subject site. His letter, dated May 27, 1983, is contained in Appendix A.

My staff and consultants retained by Campeau Corporation reviewed this matter and determined that a transit facility could be accommodated within a right-of-way of less than 30 metres. Subsequently, Metropolitan staff reassessed their requirements and concluded that a right-of-way of 28.5 metres would be sufficient. In a letter dated July 4, 1983 (Appendix A), Metro advises that a 3.2-metre wide strip should be conveyed. This request is acceptable to the Commissioner of Public Works, myself and the applicant, and is recommended below.

3.2.2 Parks and Recreation

The Commissioner of Parks and Recreation requests a detailed landscape plan showing species, sizes and quantities of all landscape material. The applicant has been advised that such a plan will be required as part of Development Review.

The Commissioner outlines the requirements which apply to the City-owned trees along the Bay Street and Queens Quay frontages. The applicant has been advised of these requirements and they will be taken into consideration in the preparation of the boulevard improvement plans discussed in Section 2.4.3.

3.2.3 Buildings and Inspections

The Commissioner of Buildings and Inspections lists the sections of Site Plan By-law No. 255-69 with which the proposed scheme is not in compliance. All of the contraventions, except one, are to be expected since the provisions of By-law 255-69 were intended to implement a very different development. Of course, the recommended zoning amendments will reflect the redesigned scheme. The unexpected contravention is a gross floor area figure in excess of the maximum permitted by some 4 902 square metres. The applicant will have to ensure that the final plans submitted for approval are in compliance with the density provisions of the Site Plan By-law, as amended.

3.2.4 Metropolitan Planning

The Metro Planning Commissioner's request for the conveyance of a strip of land along the site's Bay Street frontage has been satisfactorily dealt with as discussed in Section 3.2.1. The only other concern raised by the Planning Commissioner pertains to the advice from Metro Roads and Traffic staff that the east driveway through the project may be too close to Bay Street, and the west driveway may be too close to the Harbour Street ramp. As indicated in Section 3.2.1, this matter relates to the recommendation of the Commissioner of Public Works that access to Harbour be limited to the west driveway and, therefore, I proposed that the whole question of access should be reviewed and discussed further with the applicant, prior to the preparation of plans for Development Review.

3.2.5 Public Meetings

Two public meetings have been held to discuss the application, one on February 2, 1983, and the other on February 8, 1983. The first meeting was called by the Planning Board and both the Waterpark Place and Scotia Plaza proposals were discussed. About fifty persons attended the meeting, and comments received are discussed in my final report on the Scotia Plaza application. The second meeting was organized by my Department for Harbour Square area residents and property owners. Approximately 100 persons, mainly residents of Harbour Square, attended.

Reaction to the design features of the scheme can be generally described as favourable, but a number of shared concerns were raised by individuals and spokespersons for the condominium corporations and the Harbour Square Residents and Ratepayers Association. These are summarized as follows:

- that adequate public parking and transit be provided for visitors to the Toronto Islands, the Harbour Square Park and Harbourfront so that existing traffic congestion is alleviated;

- that pedestrian facilities, including the proposed colonnade and Blue Route, be implemented in the Waterpark Place development and future developments to the north;

- that there not be an improper mix of housing on the site;

- that the Queens Quay roadway be narrowed and excess right-of-way be used as part of the proposed linear park unless it is needed for transit purposes; and

- that the proposed building heights be clarified particularly in relation to the heights of the existing buildings on the south side of Queens Quay.

Traffic congestion resulting from the increasing popularity of the Bayfront area has been a longstanding concern for Harbour Square residents. It is currently under study by Metro, the TTC and the City as part of the wider matter of transportation planning for the Central Waterfront area. Clearly, as development proceeds in Harbourfront and the Central Bayfront, improved roads and transit will be necessary.

The extension of Queens Quay to Stadium Road and the construction of a 1,200 space public parking garage on York Quay are two major improvements now underway. The first phase of a Central Bayfront access investigation has been completed, and recommendations are made as to how the York, Yonge and Harbour Street expressway ramps can be removed or redesigned so that these streets will better serve the area.

Work on the second phase of the study is beginning, and involves the preparation of a local road plan which will take into consideration site access, pedestrian circulation and transit needs. This plan will be an essential ingredient in the Part II Official Plan process which must be completed before any further approvals can be given for major developments in the Central Bayfront area.

The Metro/TTC Central Bayfront Transportation Study (May 1983) addresses the question of transit access to the Central Waterfront in part with the proposal of a Light Rapid Transit line, within an exclusive right-of-way, from Union Station down Bay Street, then along Queens Quay to Spadina Avenue and beyond. As discussed in Section 3.2.1, Campeau will convey to Metro a strip of land along the Bay Street frontage of Waterpark Place, so that the road may be widened to accommodate the proposed facility.

With respect to the suggestion made at the public meeting that Queens Quay be narrowed, I would advise that the pavement width will be determined by functional requirements, and that any excess right-of-way will be incorporated into the adjoining boulevard and improved accordingly.

With respect to the matter of adequate recreational parking for visitors, I believe that the 1,200 space garage in Harbourfront will help the situation at Harbour Square considerably. Further, Campeau is now required, by way of legal agreement, to maintain 500 public spaces for Island visitors, and would also provide in the range of 240 to 545 more spaces for the commercial component of the proposed development. The commercial spaces would be available to the public in the evenings and on weekends when recreational demand is the greatest. Also, as other office developments come on stream in the area, there will be a substantial amount of additional parking to further augment the visitor supply. I believe that such anticipated increases in parking, in combination with improved public transit, should go a long way towards relieving the congestion which a number of Harbour Square residents are concerned with.

The Waterpark Place scheme, as recommended in this report, should satisfy residents' concerns respecting the provision of pedestrian amenities. The design incorporates a generous colonnade along Harbour, Bay and the east portion of Queens Quay. There are also two mid-block covered walkways planned, one along the west side of the site and the other at the terminus of the Queens Quay colonnade. The latter walkway would provide a north-south link between Queens Quay and the proposed Blue Route pedestrian bridge over Harbour Street. The Harbour colonnade would provide a sheltered connection between the Blue Route bridge and Bay Street, and between the bridge and the covered walkway at the west end of the site . Thus, there should be convenient, comfortable public access through and around the block.

Further, a pedestrian bridge over Bay Street is to connect the Hilton Hotel and Convention Centre with Waterpark Place and the Blue Route, all above grade. The at-grade pedestrian linkages are to be secured in the Zoning By-law and through legal agreements. The above-grade connection between the Blue Route and the Convention Centre will be secured by way of legal agreement and Section 40 of the Planning Act.

It is my intention to seek the provision of the extension of the Blue Route and the extension of the Bay Street colonnade, so far as is possible, as property owners to the north of Waterpark Place seek development approval for their sites. To this end, future Part II Official Plans for the Railway Lands and the North Central Bayfront should establish policies in support of this objective. As an interim measure, removable sidewalk canopies are proposed to be erected along the west side of Bay Street from Queens quay to Lake Shore Boulevard. More permanent canopies are proposed to be installed north of Lakeshore, up to the railway viaduct, and a glass enclosure constructed around the sidewalk within the viaduct itself. It is hoped that work on these improvements can start in August, 1984.

The concern that there not be an improper mix of housing in the proposed development I believe has to do with Campeau's agreement to provide the City with a site capable of accommodating assisted housing. This matter is dealt with in my report on Scotia Plaza. As indicated, the assisted housing would not be accommodated in Waterpark Place.

Questions from residents respecting the heights of the various components of the scheme appear to be directed primarily at how the new design would affect views to the north from the existing condominiums. Concern over views can only be answered generally since the elongated, angular orientations of the existing buildings, together with their large scale, result in a wide range of views. However, given that the facing distances between the two developments are generous - ranging from approximately 160 feet to 500 feet, only substantial changes in heights and setbacks should have a significant affect on views from most units.

In the 1969 scheme, the minimum east-west separating distance between the towers is 145 feet. The revised scheme would have a minimum east-west separation of at least 210 feet. This change should provide some improvement in view for some of the Harbour Square residents. The height of the podium in the 1969 scheme was six storeys, consistent with the parking podium on the south side of Queens Quay. The proposal would increase the podium height to a maximum of eight storeys along Queens Quay, and 14 storeys at the west end, along Harbour. Consultants for Campeau presented slides at the February 8th public meeting which suggested that the impact of this increase in height, on views from the sixth floor terrace of the Harbour Square complex, would be relatively minor.

As discussed in Section 2.2, the final zoning provisions for Waterpark Place would permit the tallest commercial tower to reach 37 storeys and the residential towers to reach 38 storeys. In comparison, the two 1969 office towers could have risen some 44 storeys above grade. The heights of the various high-rise components of the proposed scheme are compatible with the buildings on the south side of the street, which range in height from 36 to 39 storeys.

3.2.6 Relocation of Ramps

The Land Use Committee requested that I indicate in my final rezoning report when and how the Harbour and York ramps might be relocated to the west side of York Street, and the positive changes this will permit in the siting of the building.

In October, 1982, Council approved the allocation of funds for the Central Bayfront Road Study. One of the objectives of this study was to identify possible options for reconfiguring the ramp system between Spadina Avenue and Jarvis Street so as to help relieve the transportation problems in the Bayfront area and improve local site access. The York and Harbour street ramps are particularly problematic and their relocation could be very beneficial to the development of the Campeau site and the lands on the north side of Harbour Street.

The first phase of the Road Study has been the prepartion of the Central Bayfront Access Investigation (February 1983) by Barton-Aschman Associates Limited. One of the conclusions of the report is that it is technically feasible to remove the York and Harbour ramps, and replace their functions by new ramps to the west, in the vicinity of an extended Simcoe Street. This finding was supported by an independent ramp study prepared by consultants to Campeau at the City's request. Accordingly, the extension of Simcoe and redesign of the ramps is part of the recommended road plan for the Railway Lands Part II: Development Concept (September, 1983). At present, the road plan is under discussion with Metro in the context of the Metro/TTC Central Waterfront Transportation Study (May, 1983). It is expected that further evaluation of the ramp proposals will be conducted over the next year in conjunction with the evolving road and transit plans for the Central Waterfront.

I would note that it appears possible to relocate the Harbour Street ramp independently of other major improvements. This has important implications for the Campeau site as well as the THC property on the north side of Harbour. If the ramp can be relocated and Harbour Street "normalized" in advance of development, the Waterpark Place scheme could incorporate commercial uses along the north face of the podium at the outset. If development proceeds before the relocation, the podium would be faced with screened parking until such time as the ramp is removed and the space is converted to the other uses.

The relocation of the York Street ramp involves new road construction on the south portion of the Simcoe Street alignment and is therefore more complex and not as easily achieved as the relocation of the Harbour ramp. Its removal would not significantly affect the siting of the Waterpark Place complex, but the improved west facing condition would likely have a positive effect on this portion of the building design.

3.2.7 Phasing of Construction

The Land Use Committee requested that the final rezoning report incorporate reasonable and specific time limits for the construction of a sizable portion of the commercial space. I have discussed this matter at some length with the applicant. Campeau's position is that such a requirement is unreasonable given current economic conditions and the public benefits which will ultimately be gained from the Waterpark Place and Scotia Plaza projects. Respecting Waterpark Place, the applicant cites the benefits of the superior redesign; the mix of uses on site, consistent with the proposed Waterfront Official Plan; the provision of on-site daycare, the linear landscaped open space along Queens Quay, and a site capable of accommodating assisted housing; and the financial contribution to the Bay Street canopy. In view of these benefits, Campeau has indicated an unwillingness to commit to specific time limits for the construction of commercial space as requested by your Committee. While I see the advantages to an early start at the Waterpark Place site, I would recommend that the marketplace be allowed to dictate the pace of development, rather than selecting measures which are not likely to be successful and, in any event, which the applicant will resist.

3.2.8 Wind Studies

In my preliminary rezoning report (December 3, 1982), I indicate that the applicant has submitted a pedestrian level wind study for the proposal, and recommend that revised plans be submitted which address the problems identified in the study, together with a further report from the wind consultant on the revisions. Accordingly, the applicant submitted a second wind study (January 27, 1983) along with the revised application. Since that time, the proposed scheme has been revised further with respect to the high-rise residential and high-rise commercial components. Changes to the residential component can be expected to affect pedestrian level wind conditions on Harbour Street, Queens Quay and the podium roof deck. However, since the applicant has not yet prepared a final site plan for the two residential towers to be accommodated within the proposed zoning envelope, it has not been possible to conduct a final wind study on this part of the scheme. I therefore recommend that the applicant be required to submit such a test at the time of Development Review so that the effect of the building configurations on street and roof deck wind conditions can be evaluated, and ameliorative measures required if necessary.

The revisions to the high-rise commercial component are sufficiently detailed to permit a final study of pedestrian level wind conditions in the Bay Street area. The applicant has submitted such a study, dated January 12, 1984. From the results, I have concluded that the final commercial configuration is satisfactory, but that particular attention must be paid to providing shelter from wind through appropriate landscaping around the southwest corner of Harbour and Bay. In respect to this, the January 27, 1983, study recommends that a combination of detailed wind tunnel and water flame tests would be useful in developing an optimum landscaping plan for pedestrian level wind control in this area. Given the uncomfortable wind speeds which can develop along the west side of Bay, I recommend that such tests be required which support the applicant's boulevard landscape plan.

A second matter which the wind studies draw attention to is the design of the colonnade. They indicate that its effectiveness in protecting pedestrians from wind is a function of the design along the edge. Partial enclosure with building elements (i.e., columns) or porous wind screens is suggested. The applicant should take this into consideration in preparing the final design which will be evaluated in Development Review.

All three of the wind studies referred to above were prepared by Morrison Hershfield Ltd., Consulting Engineers, and are on file with the subject application in the Planning and Development Department.

3.2.9 Other Considerations

At its meeting of April 6, 1983, the Land Use Committee requested that I seek revisions to the application which would lessen the impact of building height and create stronger mid-block streets. The first matter was raised at the February 8th public meeting, and is discussed in Section 3.2.5. Essentially, the scale of the development is consistent with the buildings to the south and represents a major design improvement over the approved 1969 scheme. The only way to significantly reduce the mass of the project would be to substantially reduce the permitted gross floor area, and the applicant has not indicated a willingness to do so.

In Section 2.4, I outline the extensive pedestrian amenities provided by the proposed scheme. These include two mid-block, covered walkways adjoining the north-south access driveways. The width of these internal "streets" would be 30 feet, with each walkway having a minimum width of 10 feet. These dimensions are comparable to the rights-of-way of local City streets and, in my view, constitute strong publicly accessible elements in the scheme.

4. The Building Scheme Agreement

The proposed development at 10 Bay Street will also require an amendment to the 1969 Building Scheme Agreement which must be agreed to by the parties to the Agreement. This Agreement originally involved the City, Campeau Corporation and the Toronto Harbour Commissioners. Recently Copthorne Holdings Ltd., owner of the Harbour Castle Hilton, has become a party. The applicant has proposed amendments to the Building Scheme Agreement which are very generally detailed in the application.

In that any amendments to the 1969 Building Scheme Agreement require approval by all parties, it is my recommendation that the Commissioner of Planning and Development, in consultation with the City Solicitor, be given the necessary authority to negotiate the necessary amendments to the Building Scheme Agreement with the parties to it. It is also my recommendation that until all parties have agreed to the form of the necessary amendments to the Building Scheme Agreement, the Land Use Committee should not hold the required public meeting in respect of the proposed amendment to the Zoning By-law to implement this report.

5. Conclusion

The final proposal for Waterpark Place represents a significant improvement over the scheme agreed to by City Council as described in the 1969 Harbour Square Site Plan By-law and Building Scheme Agreement. The total height and mass of the office and residential towers and the podium would be reduced by the placement of a portion of the parking below grade. A greatly improved relationship between the development and the street has been achieved; the proposed uses and design at grade, including street-related shops, a weather-protected colonnade, two mid-block pedestrian walkways, and a linear landscaped open space along Queens Quay, will substantially enhance the streetscape.

The introduction of residential uses is consistent with existing Part I Official Plan policy, with the objectives for the site put forward in my Central Waterfront: Proposals report (April, 1982), and the general thrust of the planning objectives for the Central Bayfront and Harbourfront areas, set out in the Central Waterfront: Final Recommendations report (February, 1984). Further, provision is to be made for a site capable of accommodating some 200 assisted housing units, and for an on-site daycare facility for at least 50 children. Finally, the transportation implications of the proposal, in particular the replacement of office uses with residential uses, can be expected to have a positive affect on the Bayfront transportation system.

I will be reporting further on various matters referred to in this report which are necessary to implement the proposal, including amendments to the Building Scheme Agreement. The final design of the development will be subject to the City's powers of review and approval under Section 40 of The Planning Act. Thus far, detailed plans and drawings have not been received.

Recommendations:

1. That after the form of the amendment to the Building Scheme Agreement and other agreements to implement this report and further reports referred to herein and the form of agreements necessary to implement my companion report entitled "Final Report on Application No. 1633 for Rezoning and Official Plan Amendment for the Scotia Plaza site comprising 30-44 King Street West, 303 Bay Street, 102 and 1066 Yonge Street, and 11, 11R-29 Adelaide Street West" and further reports referred to therein, have been approved by the relevant parties other than the City, the Land Use Committee hold a public meeting as required by the Planning Act, 1983, in respect of a proposed amendment to By-law No. 255-69, as amended by By-law Nos. 263-69 and 214-82, as it affects the site at 10 Bay Street, shown on Map 1 contained in Appendix B, so as to permit the erection or use of one or more buildings or structures on the site, provided that:

    (i) the total gross floor area of such building or buildings does not exceed 1,731,342 square feet (160 841 square metres), of which no more than 532 217 square feet (49 443 square metres) may be used for residential uses, no more than 830,000 square feet (77 110 square metres) may be used for office uses, no more than 55,000 square feet (5 110 square metres) may be used for retail and service uses, and community services and facilities, and no more than 320,000 square feet (29

728 square metres) may be used for parking above grade. (Note: parking and accessory uses below grade would be excluded from the calculation of gross floor area);

(ii) the gross floor area to be used for office uses, retail and service uses, and community services and facilities does not exceed 897,117 square feet (81 670 square metres);

(iii) the gross floor area to be used for non-residential purposes contained in any building erected within Part 8 shown on Map 1 does not exceed 58,000 square feet (5 388 square metres);

(iv) any building or structure erected within Parts 1, 2 and 3, as shown on Map 1 contained in Appendix A, contains only office, retail and service uses, community services and facilities, parking and accessory uses;

(v) any building or structure erected within Parts 4, 6, 7 and 8 contains only residential, office and retail and service uses, community services and facilities, parking and accessory uses, alone or in combination;

(vi) any building or structure erected within Part 5 contains only parking and uses accessory to those uses permitted in Parts 1, 2, 3, 4, 6, 7, and 8;

(vii) at least 22,000 square feet (2 044 square metres) of gross floor area contained in buildings erected within Parts 1, 2, 3, 6, and 8 is used for street-related retail and service uses, of which no less than 6,500 square feet (604 square metres) be contained in buildings erected within Parts 1, 2 and 3;

(viii) a minimum of 28,000 square feet (2600 square metres) of the maximum permitted office gross floor area and a minimum of 5,400 square feet (500 square metres) of the maximum permitted gross floor area to be used for the purposes of retail and service uses, and community services and facilities be permitted only within 45 feet (13.7 metres) of grade within those portions of buildings erected on Parts 4 and 8 which front on Harbour Street;

(ix) the maximum heights of buildings or structures do not exceed the maximums specified on Maps 1 to 5;

(x) the minimum heights of buildings or structures are not less than the minimums specified on Maps 1 to 5;

(xi) not less than 11,500 square feet (1 068 square metres) of common outdoor space is provided on Parts 7 and 9;

(xii) a pedestrian walkway is provided in the form of a colonnade, having a minimum height of 10 feet (3 metres) and a minimum width of 15 feet (4.6 metres) along Queens Quay West and Harbour Street, and 20 feet (6.1 metres) along Bay Street, as shown on Map 1;

(xiii) building set backs are in compliance with the maximum and minimum set back provisions outlined on Map 1 and in subsection 3 of Section 12A of the Zoning By-law;

(xiv) recreation space is provided in compliance with subsection 4 of Section 12A of the Zoning By-law;

(xv) parking is provided in compliance with the standards set out in By-law No. 236-83, as amended;

(xvi) one modified Type B loading space is provided and maintained for residential uses; and at least two Type B loading spaces are provided and maintained for commercial uses;

(xvii) all ramps in below-grade parking facilities are constructed with a slope not exceeding fifteen percent; and

(xviii) no above-grade parking facilities are located within 35 feet (10.7 metres) of any exterior building walls, other than along Harbour Street within Parts 4 and 8 shown on Map 1.

2. That:

(i) After the Official Plan Amendments referred to in companion report on Scotia Plaza have been approved pursuant to the Planning Act, 1983, and

(ii) the necessary agreements to implement this report, further reports referred to in this report, my separate report to the Executive Committee on the acquisition of the proposed site which is referred to in my companion report on Scotia Plaza and the agreements to implement the last mentioned reports, and further reports referred to therein, have been executed and registered against the title to the lands to which they apply, and

(iii) after City Council has authorized the closing and conveyances of the street and portion of a lane referred to in my companion report on Scotia Plaza having considered the report of the Commissioner of Public Works and the recommendations of the City Services Committee and the conveyances having taken place, and

(iv) Council has approved plans and drawings for the Scotia Plaza development under Section 40 of the Planning Act, 1983, and

(v) the applicant has conveyed the land referred to in Recommendation 3 of this report to the Municipality of Metropolitan Toronto to implement this report,

subject to Council passing the amendments to the Zoning By-law referred to in my concurrent report on Scotia Plaza at the same meeting as the amendments to By-law No. 255-69, as amended, Council enact the amendments to By-law No. 255-69 which are referred to in Recommendation No. 1.

3. That the applicant be required to convey to the Municropolitan Toronto, for a nominal consideration, a strip of land 3.2 metres in width along the west side of Bay Street between Queens Quay West and Harbour Street, free and clear of all encumbrances, except for below-grade rights which may be reserved for use in conjunction with the development of Waterpark Place, if required, prior to enactment of the amendment to By-law No. 255-69, as amended, referred to in Recommendation No. 1.

4. That the City Solicitor be authorized to prepare a collateral agreement between the City and the owner to give effect to the following:

(a) That the owner agree to provide space within the development for the construction of transformer vaults, Hydro and Bell manholes and sewer manholes required in connection with the development.

(b) That the owner agree to provide, at his own expense, detailed plans and drawings for landscape improvements to the street boulevard within the public right-of-way and adjoining open spaces within the site where such spaces exist, along the west side of Bay Street, the north side of Queens Quay West and the south side of Queens Quay West between Bay Street and York Street, for the review and approval of the Commissioner of Planning and Development and the Commissioner of Public Works; and that the owner agree to pay for the installation of such improvements to City standards and specifications.

(c) That the owner agree to provide, at his own expense, a pedestrian level wind study respecting wind conditions on Bay Street, Harbour Street and Queens Quay West, including conditions within the colonnade and conditions within outdoor recreation space provided on the site, such study to be submitted to the Commissioner of Planning and Development at the time of Development Review.

5. That the Commissioner of Planning and Development, in consultation with the City Solicitor, be authorized to report on the necessary amendments to the Building Scheme Agreement and other agreements to implement this report.

Appendix A

"1. Letter from the Commissioner of Public Works dated February 28, 1983.

The proposal for the site, located on the west side of Bay Street, extending from Queens Quay West to Harbour Street, is to construct a mixed-use project, consisting of:

1. A total of 460 residential units in 2 structures surmounting a 5-storey, office, retail and parking garage structure, on the west side of the site; and
2. Two office towers connected by a 6-storey office and retail structure on the east side of the site.

Overall, the project will contain some 81 667 square metres of office space and 4 708 square metres of retail space. A total of 1 471 parking spaces are proposed in the above noted parking structure and a 2-level underground parking garage extending beneath the entire site.

Water Distribution and Sewer Systems

The existing water distribution and sewer systems in the area are adequate to serve the proposed development.

Each of the 4 main structures in the project (the 2 office towers and the 2 residential structures) should be provided with individual sewer and water service connections leading directly to the City services on the abutting streets.

Storm and sanitary drainage from below grade areas must be pumped.

Refuse Handling, Storage and Disposal

The residential portion of the project must be serviced by the compactor container method of garbage handling and disposal. This will require the provision and maintenance of a compactor unit in a garbage room at least 125 square metres in size and a modified Type B loading space with access designed so that my garbage trucks can enter and exit the site in a forward motion. These trucks require minimum inside and outside turning radii of 10 m and 14 m respectively.

The commercial portions of the project will be serviced by regular curbside collection under the provisions of By-law No. 20298. The applicant should be required to provide and maintain garbage storage facilities, as set out in Recommendation No. 9, below.

Streets, Parking and Access

The site abuts Harbour Street, including the Bay Street off-ramp from the Gardiner Expressway, and Bay Street which are under the jurisdiction of the Metropolitan Corporation. The site also abuts Queens Quay West which is under the City's jurisdiction.

The applicant proposes to assign 575 parking spaces for residential use and 520 spaces for the commercial uses in the project, leaving 376 spaces for "other" uses.

As far as I can determine, the Zoning By-law would require the provision and maintenance of at least 460 spaces for residents and 790 spaces for the office uses in the building. In addition, the 1969 Triparty Agreement respecting Harbour Square requires the provision and maintenance of 500 parking spaces in connection with the Island Ferry Terminal. This totals 1,750 spaces.

The parking policies and standards adopted by City Council on October 1, 1980, would require the provision and maintenance of a minimum of 318 parking spaces for residents and 253 spaces for office and retail uses in the building. Adding to this the 500 spaces required by the above noted Agreement yields a minimum total of 1,071 parking spaces.

Accordingly, the proposed provision of an overall total of 1,471 parking spaces is satisfactory to me provided the minimum allocation of such spaces between the residential and commercial uses in the building and the parking required in respect of the Ferry Terminal is in accordance with Recommendation No. 10, below.

The parking layout and circulation system in the parking garage are generally satisfactory to me. Ramp grades should not exceed a slope of 15%.

The provision of 3 Type A, 2 Type B and 6 Type C loading spaces to serve the commercial uses on the east side of the site and 3 loading bays with minimum dimensions of 3.7 m x 9.1 m to serve the west side of the site exceeds the requirements of the Zoning By-law, in terms of the number of spaces involved, and exceeds the requirements of the loading policies and standards adopted by City Council on October 1, 1980. On this latter basis, the applicant should be required to provide and maintain loading facilities as set out in Recommendation No. 12, below, to serve the commercial uses on the east side of the site. The proposed access to the spaces on the east side of the site is satisfactory.

The modified Type B loading space to be provided for garbage collection purposes pursuant to Recommendation No. 6, below, will also be satisfactory for moving vans and other vehicles serving the residential units in the project, as well as vehicles serving the retail and office uses on the west side of the site.

Two access driveways are proposed, extending the entire width of the site from Queens Quay West to Harbour Street. The driveway along the west edge of the site, including the proposed residential drop-off, is satisfactory.

The second access driveway is located some 65 m west of Bay Street and intersects, at its north end, with the eastbound off-ramp from the Gardiner Expressway to Bay Street. Having regard for the limited visibility of approaching traffic on Harbour Street at this point and the potential conflicts with traffic on the off-ramp, no vehicular access to Harbour Street should be permitted except for that proposed at the west edge of the site. However, the proposed access to Queens Quay West at the south end of the east driveway is satisfactory.

Waterpark Place is one of many major developments proposed within the Central Waterfront Area. It has been established through various studies in connection with Harbourfront, the Railway Lands and several other potential development sites in the area, that improvements to the transportation facilities will have to be implemented on a staged basis in order to deal with existing congestion and provide for the future servicing of new developments.

The provision of a Light Rapid Transit facility along the Waterfront, including the portions of Queens Quay West and Bay Street, adjacent to the site of the proposed Waterpark Place, has been identified as one of the essential transportation services required for this area. In order to safeguard the option of implementing this facility, the developer should be required to convey lands to the Metropolitan Corporation, as set out in Recommendation No. 15, below.

Recommendations: I recommend that the applicant be required to:

1. Provide space within the development for the construction of transformer vaults, Hydro and Bell manholes and sewer manholes required in connection with the development;

2. Submit a Noise Impact Statement in accordance with City Council's requirements prior to the introduction of a bill in Council;

3. Provide individual sewer and water service connections leading directly to City services on the abutting streets from each of the two office towers and the two residential structures in the project;

4. Pump all storm and sanitary drainage from below-grade areas in the development;

5. Provide and maintain a stationary compactor unit in a residential garbage storage room at least 125 square metres in size;

6. Provide and maintain a modified Type B loading space, at grade, serving the residential uses on the site, such loading space being defined as having a length of at least 13 m, a width of at least 3.5 m, a vertical clearance of at least 6 m over at least the first 6 m of the loading space measured from the end of the loading space opposite the entrance to it, and a vertical clearance of at least 4.3 m over the balance of the loading space, and with the floor of at least the first 2 m of the loading space measured from the end of it opposite to its entrance constructed with concrete and with a slope not exceeding 2%;

7. Provide access to the modified Type B loading space so that garbage trucks can enter and exit the site in a forward motion;

8. Construct the modified Type B loading space and driveways providing access thereto, to C.S.A.S6-1974: Design of Highway Bridges Specifications where they are to be supported structures;

9. Provide and maintain a garbage storage area at least 0.67 cubic metres in size in each retail store established and within the office component of each of the separate office towers and parking garage structure;

10. Provide and maintain parking facilities at least to the extent of the following:

    (a) 318 spaces for residents of the project;

    (b) 253 spaces for the office and retail uses and visitors to the residential units in the project; and

    (c) 500 spaces pursuant to the requirements of the 1969 Triparty Agreement respecting Harbour Square;

    for a minimum total of 1,071 parking spaces.

11. Construct all ramps in the underground garage with a slope not exceeding 15%;

12. Provide and maintain at least 2 Type B loading spaces (with minimum dimensions of 11 m x 3.5 m x 4 m (vertical)) and at least 4 Type C loading spaces (with minimum dimensions of 6 m x 3.5 m x 3 m (vertical)) to serve the commercial uses on the east side of the site;

13. Delete the proposed access to Harbour Street, except for that proposed at the west edge of the site;

14. Submit revised plans of the project in respect of Recommendation Nos. 5, 6, 7 and 13, above, for my review and approval;

15. Convey to the Metropolitan Corporation, for a nominal consideration, a strip of land 6 m in width along the west side of Bay Street between Queens Quay West and Harbour Street, free and clear of all encumbrances, subject to below-grade rights in favour of the development, if required;

16. Apply to my Department for revised municipal numbering prior to filing a formal application for a building permit; and

17. Deposit in the appropriate Land Registry Office a Reference Description Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands to be conveyed to the Metropolitan Corporation and the remainder of the site."

2. Letter from the Commissioner of Public Works dated May 9, 1983.

"I refer to the letter of April 20, 1983 from Mr. Davidson of your staff and to the April, 1983 report by the IBI Group, forwarded therewith, respecting the above noted matter.

In my February 28, 1983 report to you, I recommended, on the basis of discussions and ongoing studies over the last couple of years, that the applicant convey to the Metropolitan Corporation a 6 m wide strip of land along the west side of Bay Street, subject to below grade rights in favour of the development. This was to accommodate the proposed Bay Street Light Rapid Transit (LRT) facility along the west side of Bay Street, between Queens Quay West and Union Station, with due regard for the preservation of the historic facade of the Post Office Building and minimal conflict between the LRT and the heavy traffic volumes projected on Bay Street following development of the Waterfront and Railway Lands.

Based on the April 1983 IBI report and the advice of your staff, it appears that a conveyance of 2.37 m wide strip of land along the west side of Bay Street will be sufficient. This is acceptable to me.

Inasmuch as Bay Street is a Metropolitan road, the appropriate Metropolitan officials should be given an opportunity to review and comment on this matter."

3. Letter from Commissioner of Parks and Recreation dated February 4, 1983.

"In reply to a communication from the Department of the City Clerk dated January 21, 1983 concerning the above, I advise that I have reviewed the plans as submitted.

There are two City-owned trees on the Bay Street frontage: One is a 45 cm diameter Lombardy Poplar and the other a 120 cm diameter Berlin Poplar. Every effort should be made to retain the Berlin Poplar as it is the only known one in existence in the City of Toronto. On the Queen's Quay frontage there are 15 containerized Linden trees, 7 backless benches and 9 concrete flower vases. The requirements concerning City-owned trees are as follows:

- The trees must not be removed.
- There must be no excavation within 2.4 m of the bases of the trees.
- It is desirable that only paving which allows for the penetration of air and water within 2.4 m of the bases of the trees be installed; 1.2 m is considered minimal unless exceptional circumstances dictate otherwise.

  Open or sand joints are acceptable when combined with such materials as granite setts, brick or tile pavers when laid on a sand base.
- There must be no pruning of the crowns of the trees. All request for pruning must be submitted to the Forestry Section of the Parks Division. This Section must be notified at least 24 hours prior to any construction in the vicinity of the trees. The telephone number is 367-7281.

A detailed landscape plan is requested for the development showing species, sizes and quantities of all landscape material."

4. Letter from the Commissioner of Buildings and Inspections dated March 1, 1983.

Zoning

Proposed Use: Build commercial and residential building with parking in the basement thereof

Designation: C1 V1 Map No.: 50G-313

Other Restrictive By-laws: 255-69 and various others

Plans: Prepared by Beinhaker/Irwin Associates and dated January 1983

Proposal does not comply with the provisions of By-law 255-69, as amended, in the following ways:

1. The proposed building must be within Area 1 of Plan 1 of By-law 255-69 (Section 2(2)).
2. The gross floor area exceeds the maximum permitted by approximately 4,902.0 square metres (Section 2(1)).
3. Portions of the building above the elevation of 327'0" Canadian Geodetic Datum are located outside the areas delineated by heavy lines on Plan 3 and are within 145'0" of each other (Section 2(3)(4)).
4. The proposed residential uses and uses accessory thereto are not permitted (Section 2(6)).
5. The landscaped open space is deficient of the minimum required (Section 2(7)).
6. Motor vehicle access to or from the building is not confined to the area shown on the plan (Section 2(8)).

Building Code

The issuance of the building permit(s) will be conditional upon the proposal's full compliance with all relevant provisions and requirements of the Ontario Building Code.

Recommendations

That the plans not be referred to City Council until such time that the above contraventions have been rectified."

5. Letter from the Metropolitan Commissioner of Planning dated May 27, 1983.

"The overall transportation planning for the Central Waterfront Area contemplates transit service in an exclusive right-of-way on Bay Street. In order to accommodate this facility, a 30-metre right-of-way is required along Bay Street between Queens Quay and Harbour Street. To achieve this width, the owner should be requested to convey to The Municipality of Metropolitan Toronto, for a nominal sum for dedication for roads purposes, a 4.70-metre wide strip of land along the Bay Street frontage of the subject site. The 30-metre right-of-way requirement is consistent with the Central Waterfront Transportation study, which should be published shortly.

The 30-metre right-of-way on lower Bay Street will permit only a 1.52 metre wide sidewalk on each side of the street. Any additional sidewalk or setback required should be considered by the City in accordance with Section 6.E.4 of the Metropolitan Official Plan.

Staff of the Metropolitan Department of Roads and Traffic expressed concern regarding the possibility that the existing eastbound F.G. Gardiner Expressway off-ramp to Bay Street would be removed or altered by the subject proposal. However, pursuant to staff telephone discussions, it is our clear understanding that the Waterpark Place proposal in no way involves the aforementioned ramp's alteration or removal. While studies are underway concerning the ramp, the subject proposal should be independently considered of any action in regard to the ramp.

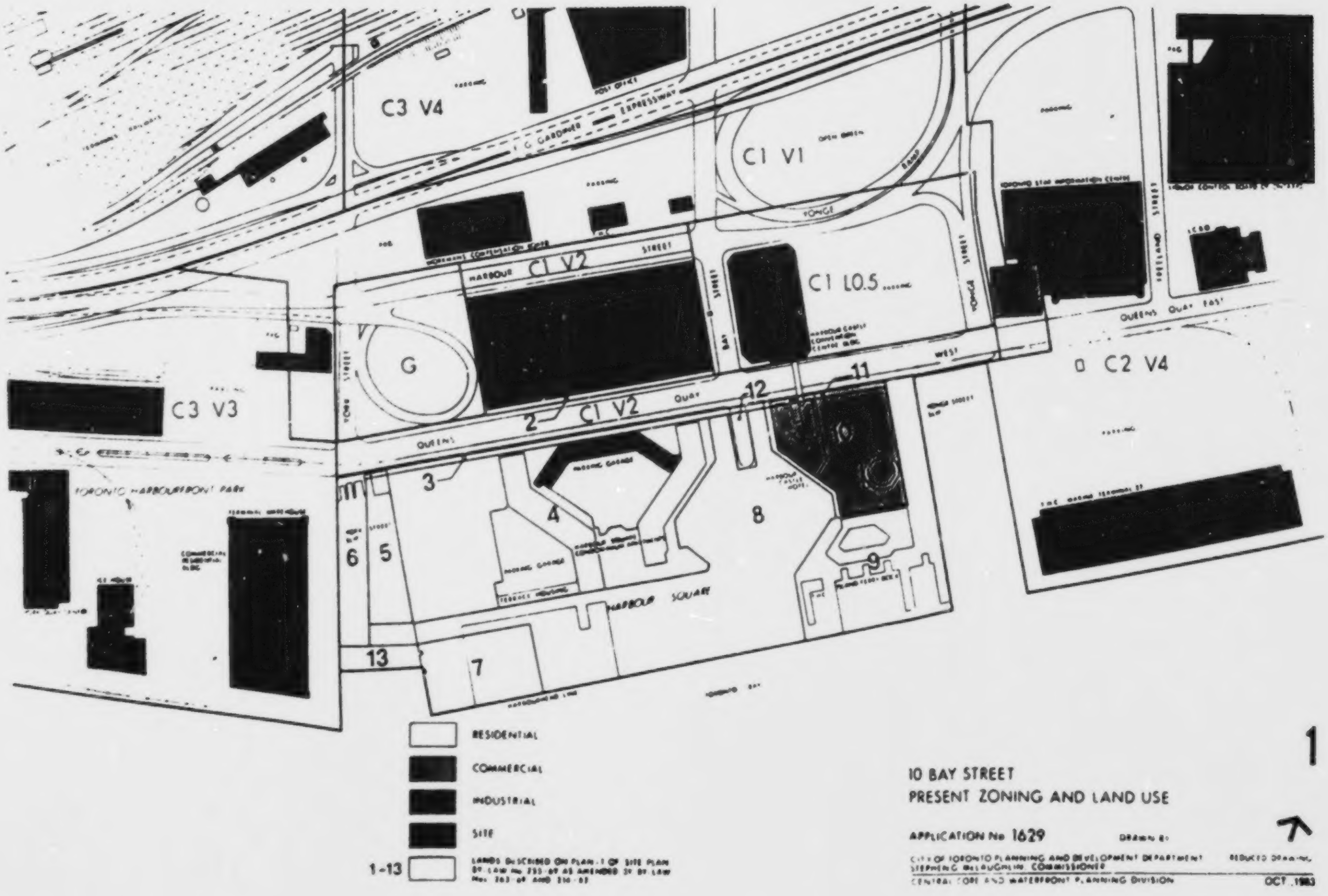
Roads and Traffic staff advised also that the western driveway of the parking facility may be too close to the eastbound F.G. Gardiner Expressway off-ramp to Lake Shore Boulevard eastbound via Harbour Street. Also, the eastern driveway may be too close to Bay Street to permit adequate weaving manoeuvres in order to proceed north on Bay Street. It would seem appropriate that the developer and staff of the Roads and Traffic Department and City staff, if so desired, meet to resolve this concern in the near future. This approach has been discussed with Mr. David Kaufman of the Traffic Branch.

In other respects, the proposal appears to be satisfactory; nevertheless, we reserve the right to comment further should more detailed plans be submitted."

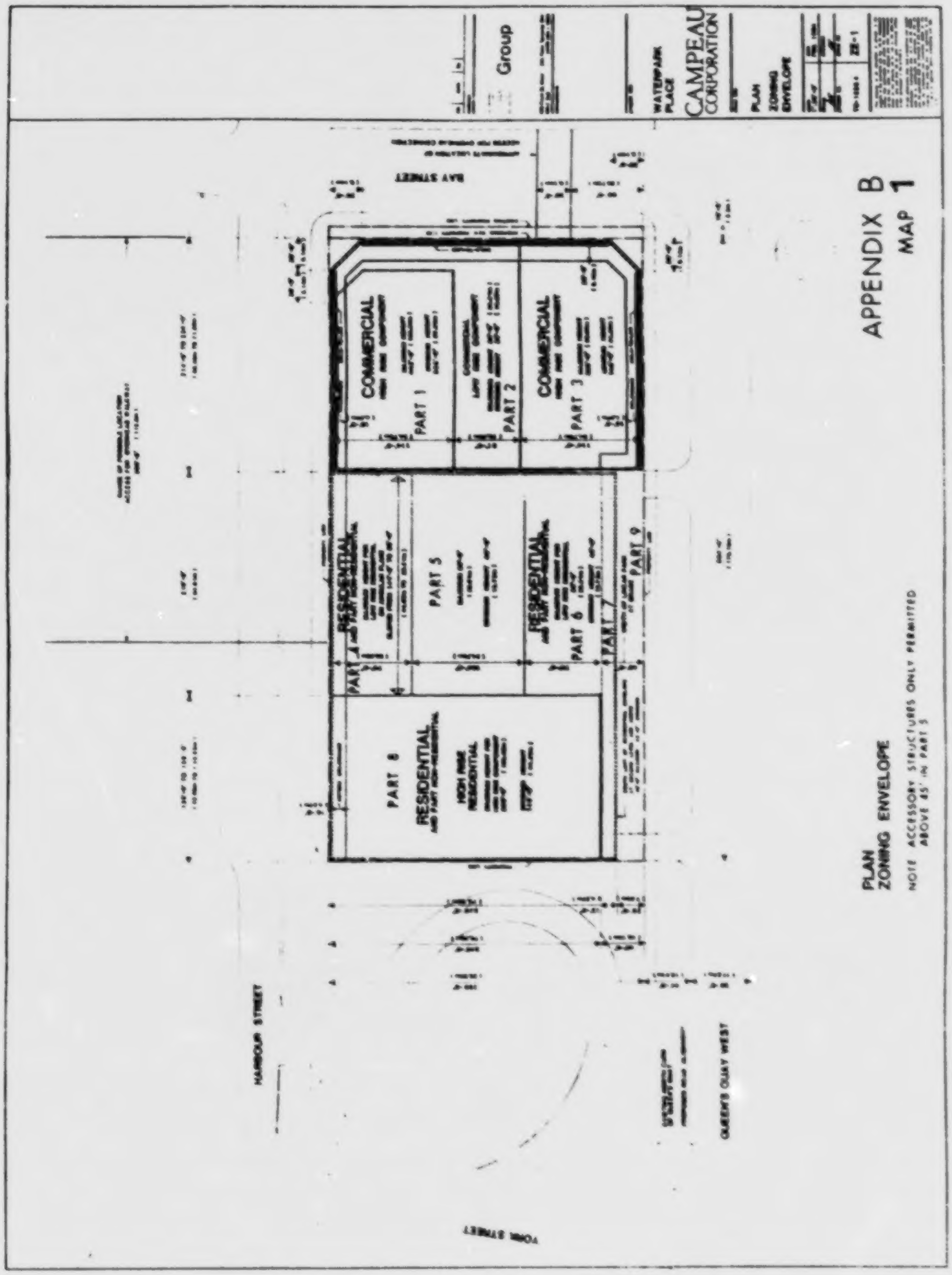
6. Letter from the Director of the Transportation Division, Metropolitan Planning Department dated July 4, 1983.

"At the request of Campeau Corporation, Metropolitan staff have reassessed the right-of-way requirements on lower Bay Street with a view to reducing our requirements as set out in Commissioner Bower's letter of May 27, 1983. The attached plan, prepared by the Metroplitan Roads and Traffic Department, indicates that the minimum right-of-way required south of Harbour Street is 28.5 metres to accommodate 1.5 metre sidewalks on either side of the street, 15.9 metres of pavement and 9.6 metres for the LRT right-of-way. To achieve this width, a 3.2 metre wide strip will have to be conveyed by the developer to the Municipality of Metropolitan Toronto for a nominal sum for roads purposes.

It should be noted that the total right-of-way does not include a boulevard between the edge of the sidewalk and the property line; therefore, any additional sidewalk or setback requirements should be considered by the City in accordance with Section 6.E.4 of the Metropolitan Official Plan."

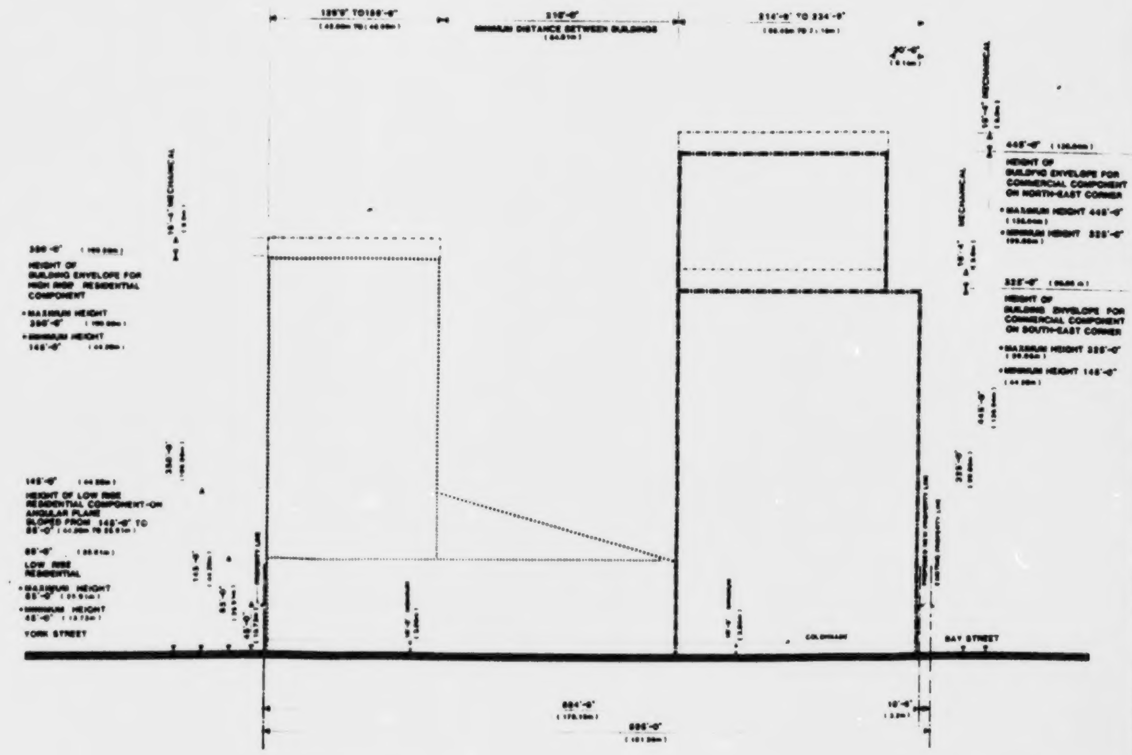

C3 V4
POST OFFICE
F. G. GARDINER EXPRESSWAY
C1 V1
OPEN SPACE
RAMP
YONGE
STREET
C1 V2
HARBOUR
C1 L0.5
C3 V3
G
BAY
QUEENS
QUAY
WEST
QUEENS QUAY EAST
C2 V4
TORONTO HARBOURFRONT PARK
HARBOUR SQUARE
1
2
3
4
5
6
7
8
9
11
12
13
RESIDENTIAL
COMMERCIAL
INDUSTRIAL
SITE
1-13
LANDS DESCRIBED ON PLAN 1 OF SITE PLAN BY-LAW No. 755-69 AS AMENDED BY BY-LAW Nos. 363-69 AND 316-83
APPLICATION No 1629
DRAWN BY
REDUCED DRAWING
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
OCT. 1983

10 BAY STREET
PRESENT ZONING AND LAND USE


CAMPEAU
CORPORATION
WATERPARK PLACE
PLAN
ZONING ENVELOPE
Group
BAY STREET
YORK STREET
HARBOUR STREET
QUEEN'S QUAY WEST
COMMERCIAL
PART 1
PART 2
COMMERCIAL
PART 3
RESIDENTIAL
PART 4
PART 5
RESIDENTIAL
PART 6
PART 7
PART 9
RESIDENTIAL
PART 8
HIGH RISE RESIDENTIAL
ZE-1

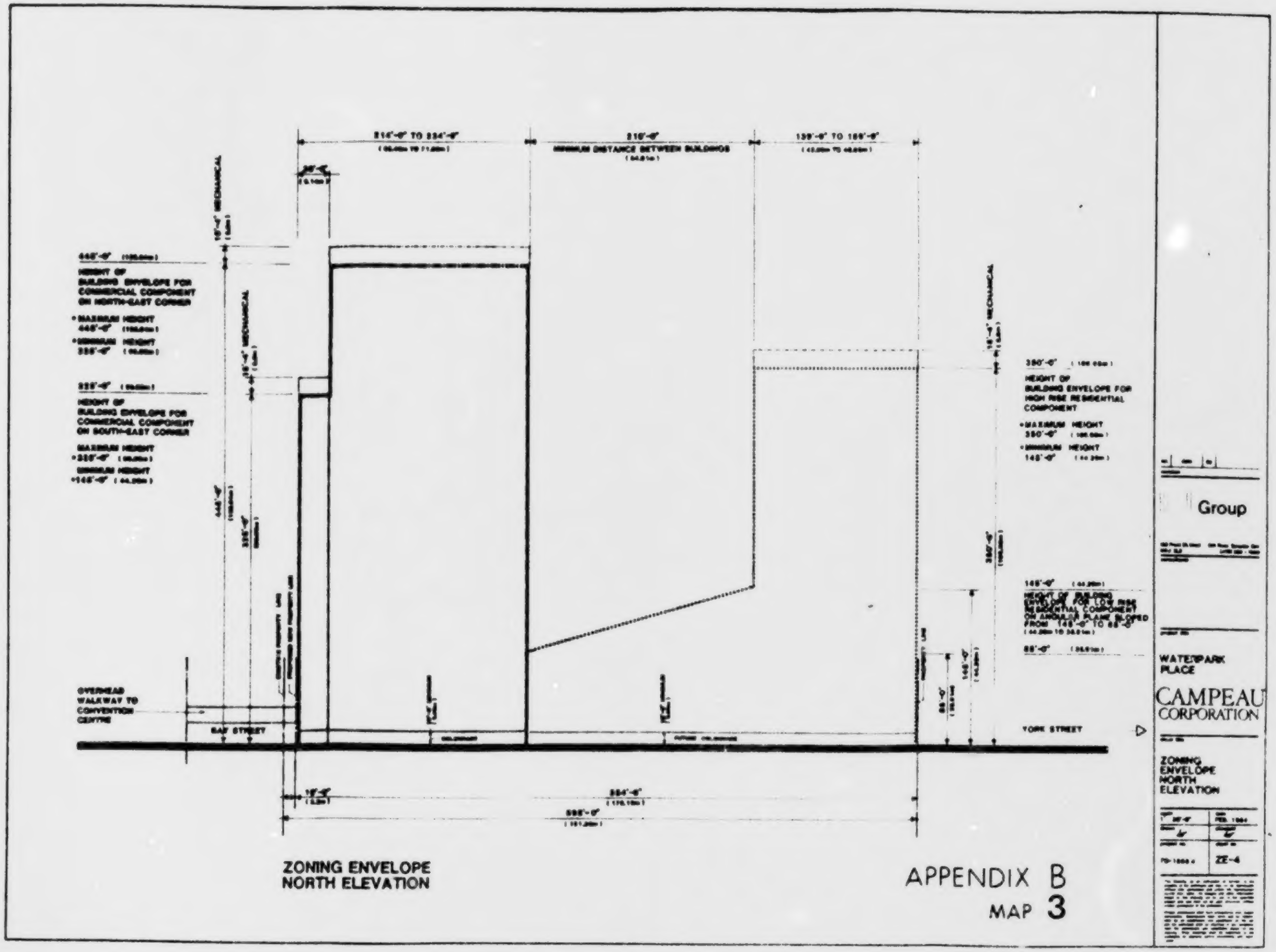
APPENDIX B
MAP 1

PLAN
ZONING ENVELOPE
NOTE: ACCESSORY STRUCTURES ONLY PERMITTED ABOVE 45' IN PART 5


129'8" TO 150'-6"
(40.00m TO 46.00m)
215'-0"
MINIMUM DISTANCE BETWEEN BUILDINGS
(64.01m)
214'-6" TO 234'-0"
(66.00m TO 71.10m)
30'-0"
(9.1m)
390'-0" (119.00m)
HEIGHT OF
BUILDING ENVELOPE FOR
HIGH RISE RESIDENTIAL
COMPONENT
• MAXIMUM HEIGHT
390'-0" (119.00m)
• MINIMUM HEIGHT
145'-0" (44.20m)
145'-0" (44.20m)
HEIGHT OF LOW RISE
RESIDENTIAL COMPONENT-ON
ANGULAR PLANE
SLOPED FROM 145'-0" TO
85'-0" (44.20m TO 25.91m)
85'-0" (25.91m)
LOW RISE
RESIDENTIAL
• MAXIMUM HEIGHT
85'-0" (25.91m)
• MINIMUM HEIGHT
45'-0" (13.72m)
YORK STREET
MECHANICAL
445'-0" (135.64m)
HEIGHT OF
BUILDING ENVELOPE FOR
COMMERCIAL COMPONENT
ON NORTH-EAST CORNER
• MAXIMUM HEIGHT 445'-0"
(135.64m)
• MINIMUM HEIGHT 325'-0"
(99.06m)
325'-0" (99.06 m)
HEIGHT OF
BUILDING ENVELOPE FOR
COMMERCIAL COMPONENT
ON SOUTH-EAST CORNER
• MAXIMUM HEIGHT 325'-0"
(99.06m)
• MINIMUM HEIGHT 145'-0"
(44.20m)
COLONNADE
BAY STREET
10'-0"
584'-0"
595'-0"
Group
WATERPARK
PLACE
CAMPEAU
CORPORATION
ZONING
ENVELOPE
SOUTH
ELEVATION
ZE-2

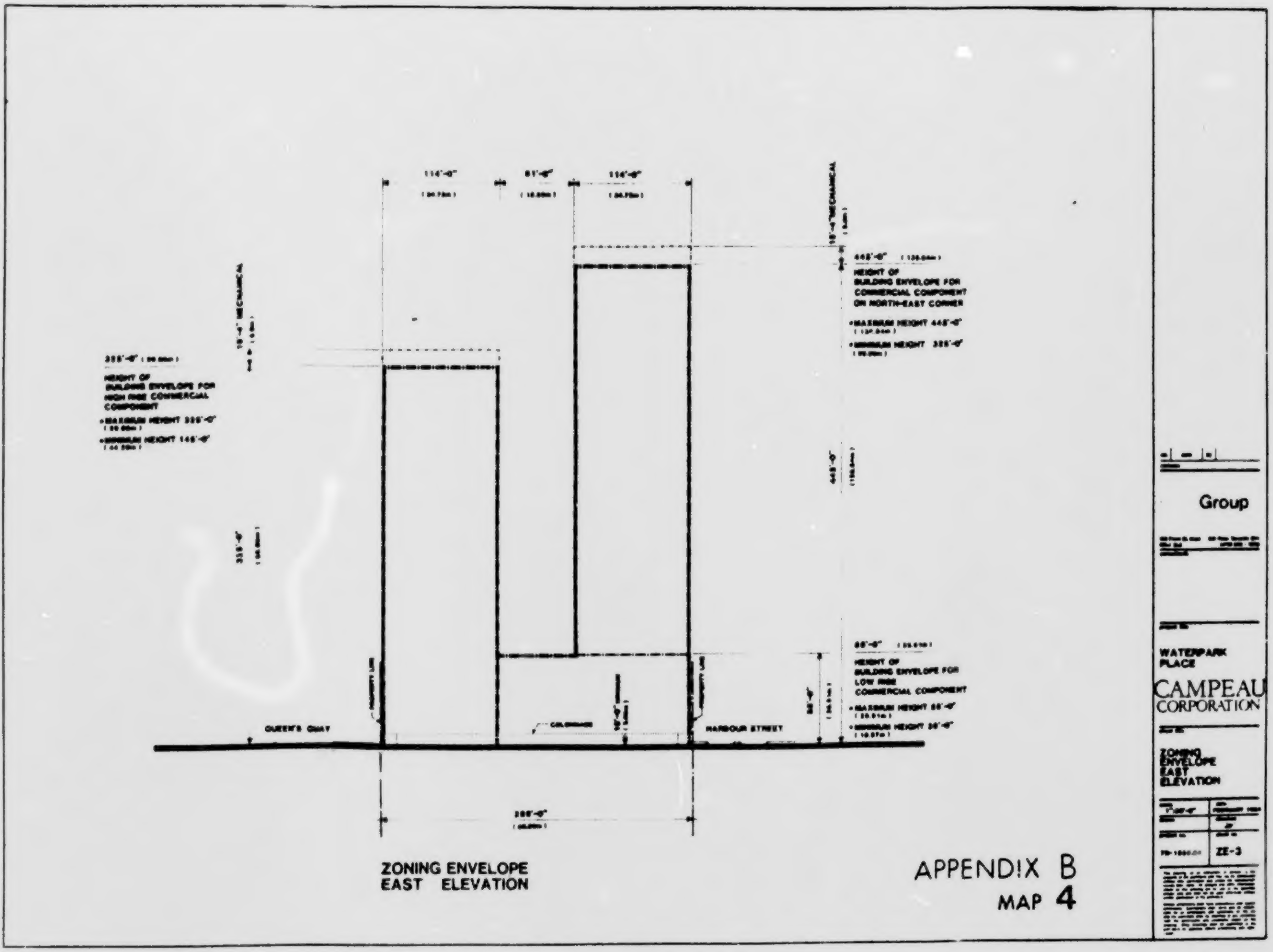
ZONING ENVELOPE
SOUTH ELEVATION

APPENDIX B
MAP 2


445'-0"
HEIGHT OF
BUILDING ENVELOPE FOR
COMMERCIAL COMPONENT
ON NORTH-EAST CORNER
• MAXIMUM HEIGHT
445'-0"
• MINIMUM HEIGHT
335'-0"
335'-0"
HEIGHT OF
BUILDING ENVELOPE FOR
COMMERCIAL COMPONENT
ON SOUTH-EAST CORNER
MAXIMUM HEIGHT
• 335'-0"
MINIMUM HEIGHT
• 145'-0" (44.20m)
OVERHEAD
WALKWAY TO
CONVENTION
CENTRE
BAY STREET
16'-0" MECHANICAL
16'-0" MECHANICAL
214'-0" TO 234'-0"
215'-0"
MINIMUM DISTANCE BETWEEN BUILDINGS
139'-0" TO 159'-0"
16'-0" MECHANICAL
350'-0"
HEIGHT OF
BUILDING ENVELOPE FOR
HIGH RISE RESIDENTIAL
COMPONENT
• MAXIMUM HEIGHT
350'-0"
• MINIMUM HEIGHT
145'-0"
145'-0" (44.20m)
HEIGHT OF BUILDING
ENVELOPE FOR LOW RISE
RESIDENTIAL COMPONENT
ON ANGULAR PLANE SLOPED
FROM 145'-0" TO 85'-0"
85'-0"
YORK STREET
384'-0"
16'-0"
Group
WATERPARK
PLACE
CAMPEAU
CORPORATION
ZONING
ENVELOPE
NORTH
ELEVATION
FEB. 1984
ZE-4

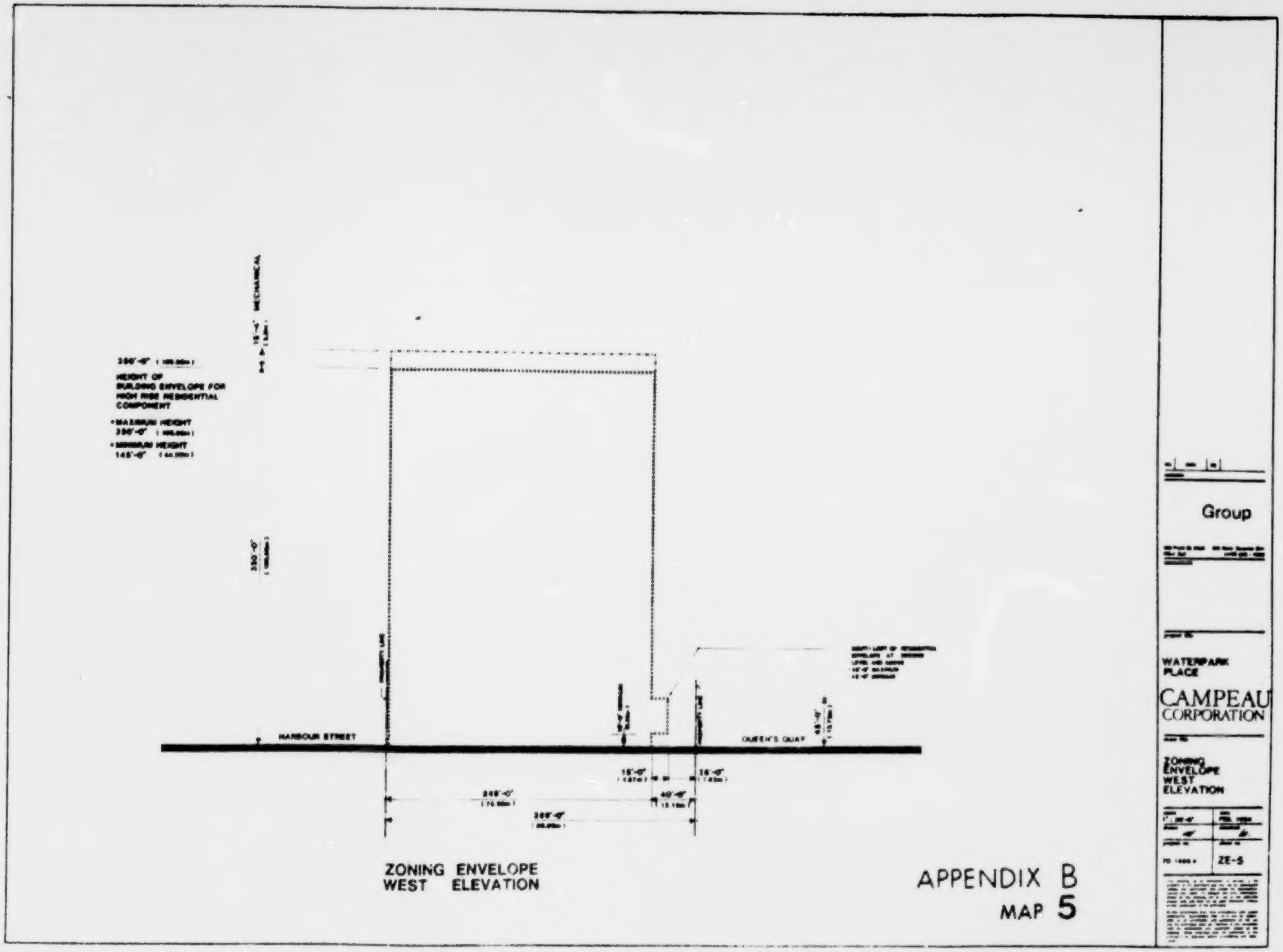
ZONING ENVELOPE
NORTH ELEVATION

APPENDIX B
MAP 3


114'-0"
81'-0"
114'-0"
15'-1" MECHANICAL
325'-0"
HEIGHT OF
BUILDING ENVELOPE FOR
HIGH RISE COMMERCIAL
COMPONENT
•MAXIMUM HEIGHT 325'-0"
•MINIMUM HEIGHT 145'-0"
445'-0"
HEIGHT OF
BUILDING ENVELOPE FOR
COMMERCIAL COMPONENT
ON NORTH-EAST CORNER
•MAXIMUM HEIGHT 445'-0"
•MINIMUM HEIGHT 325'-0"
85'-0"
HEIGHT OF
BUILDING ENVELOPE FOR
LOW RISE
COMMERCIAL COMPONENT
•MAXIMUM HEIGHT 85'-0"
•MINIMUM HEIGHT 35'-0"
QUEEN'S QUAY
COLONNADE
HARBOUR STREET
PROPERTY LINE
Group
WATERPARK
PLACE
CAMPEAU
CORPORATION
ZONING
ENVELOPE
EAST
ELEVATION
ZE-3

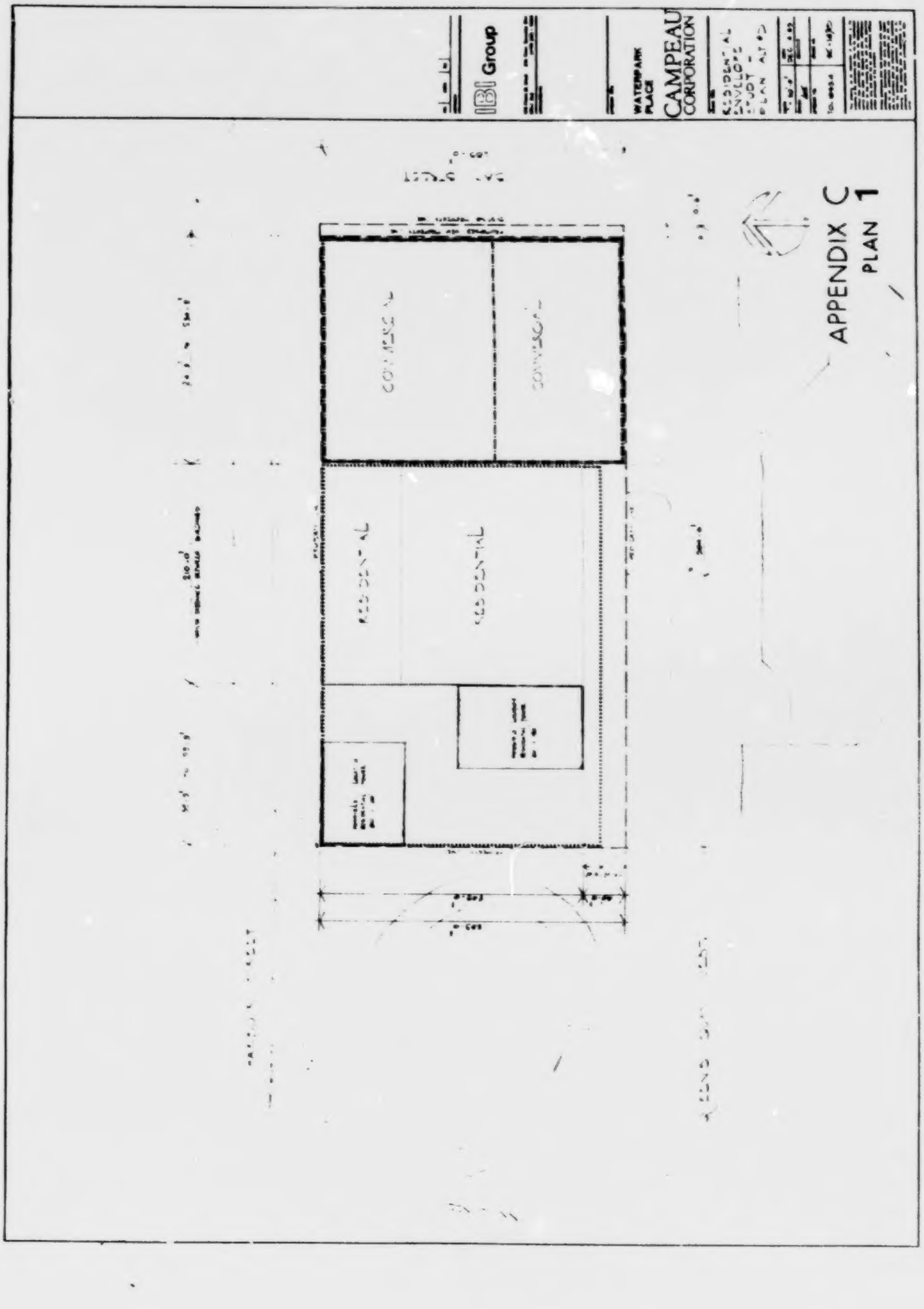
ZONING ENVELOPE
EAST ELEVATION

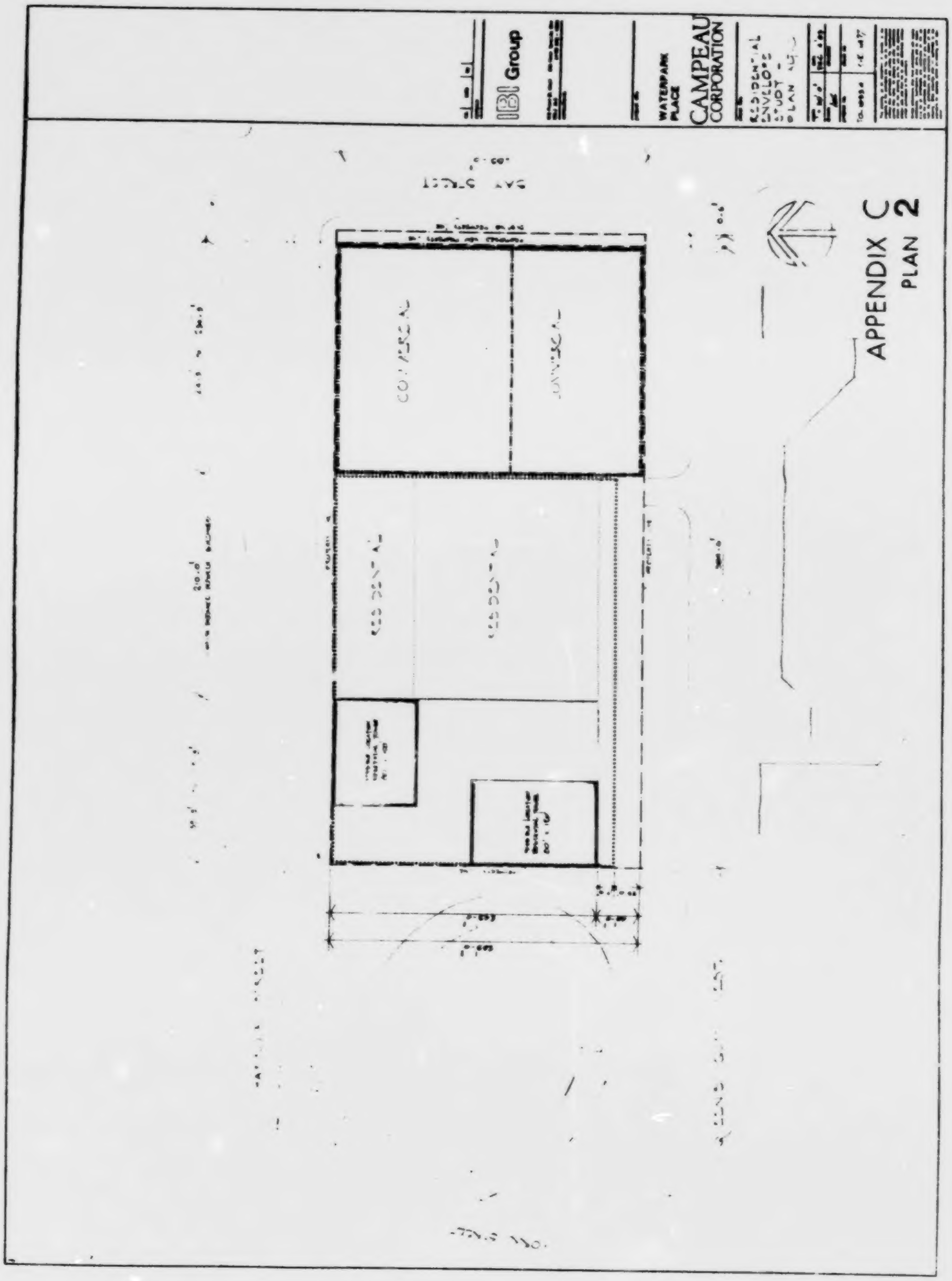
APPENDIX B
MAP 4


390'-0"
HEIGHT OF
BUILDING ENVELOPE FOR
HIGH RISE RESIDENTIAL
COMPONENT
MAXIMUM HEIGHT
390'-0"
MINIMUM HEIGHT
145'-0"
MECHANICAL
330'-0"
HARBOUR STREET
QUEEN'S QUAY
15'-0"
25'-0"
40'-0"
45'-0"
249'-0"
289'-0"
Group
WATERPARK
PLACE
CAMPEAU
CORPORATION
ZONING
ENVELOPE
WEST
ELEVATION
ZE-5

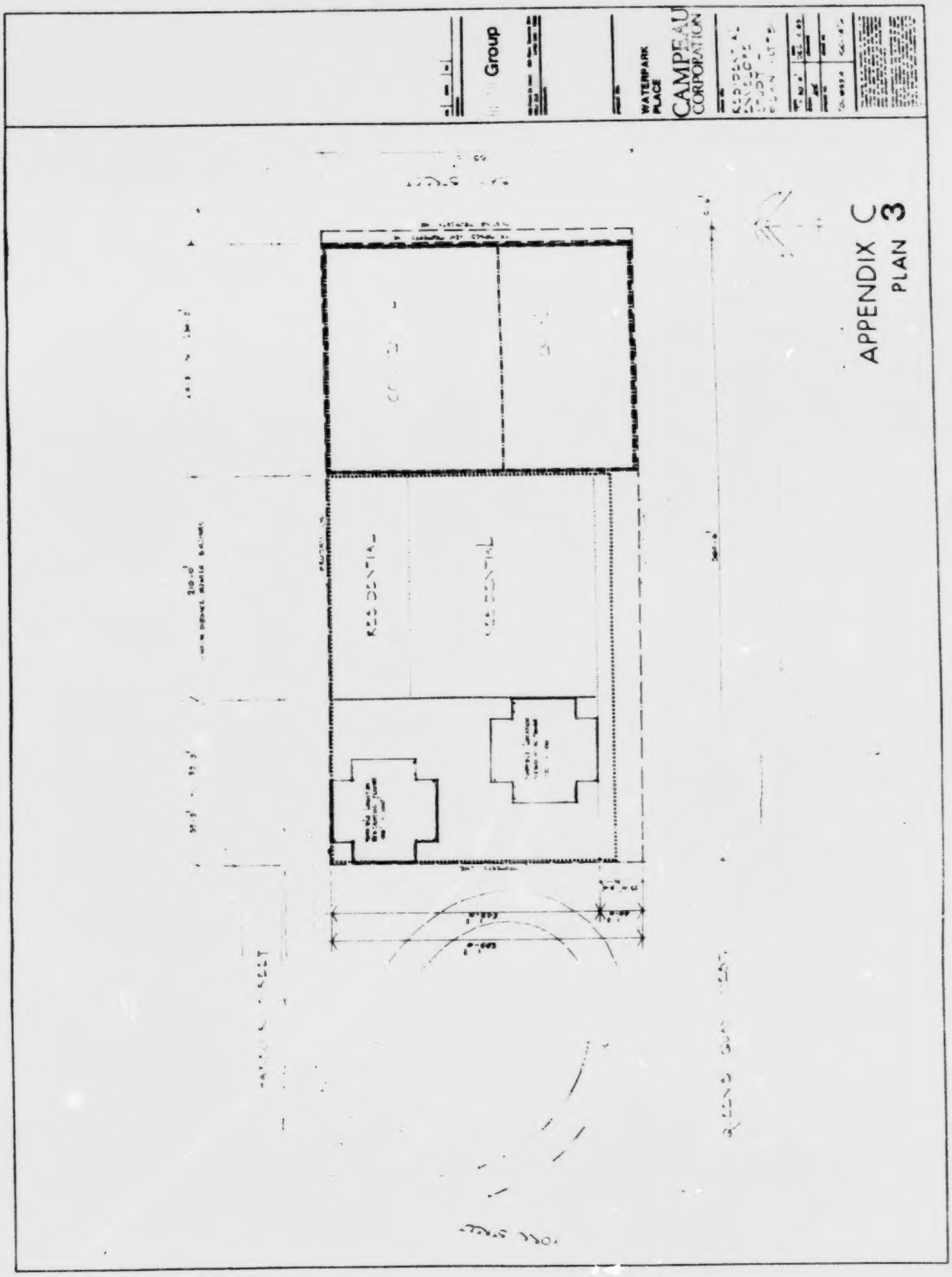
ZONING ENVELOPE
WEST ELEVATION

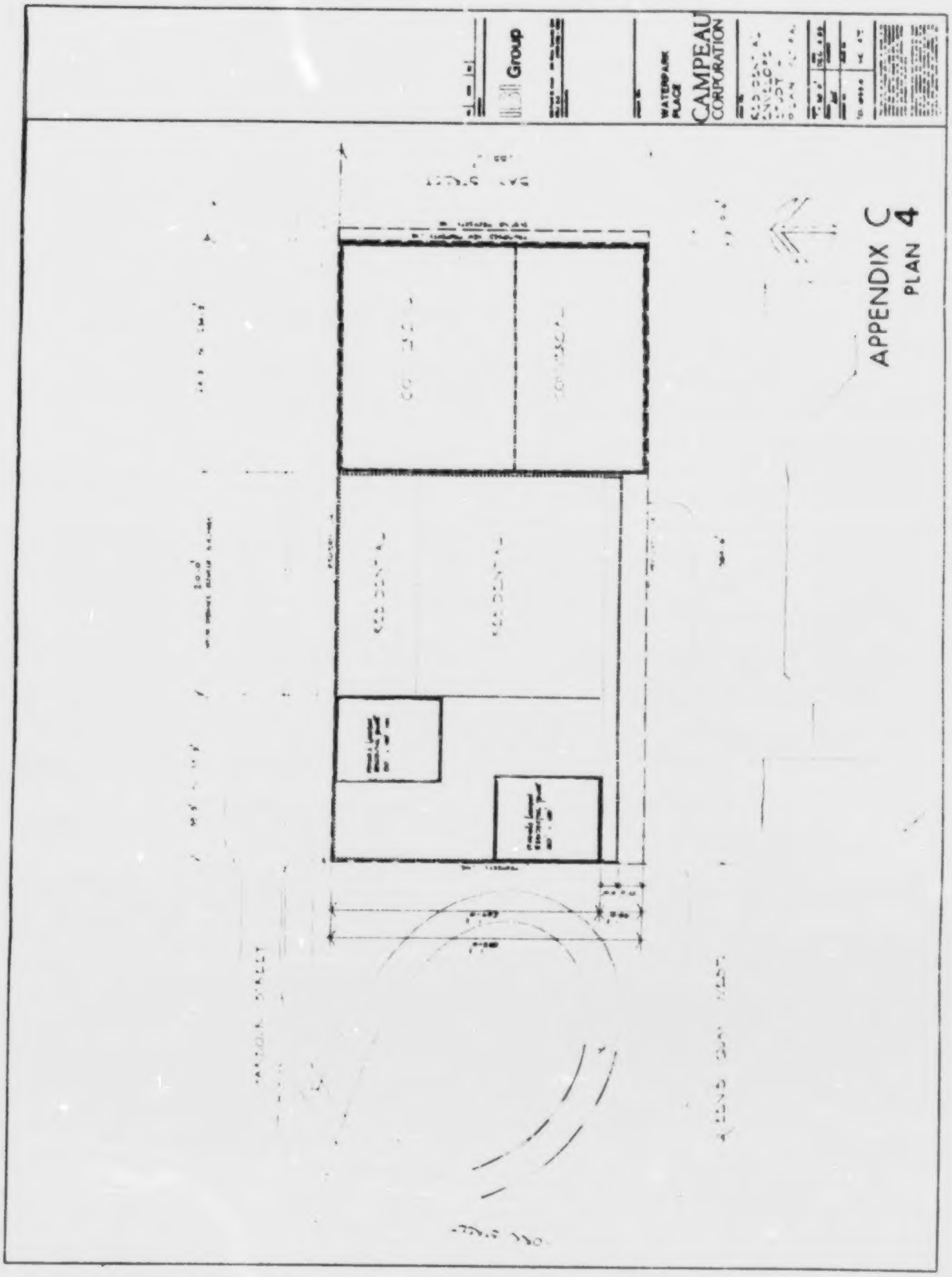
APPENDIX B
MAP 5

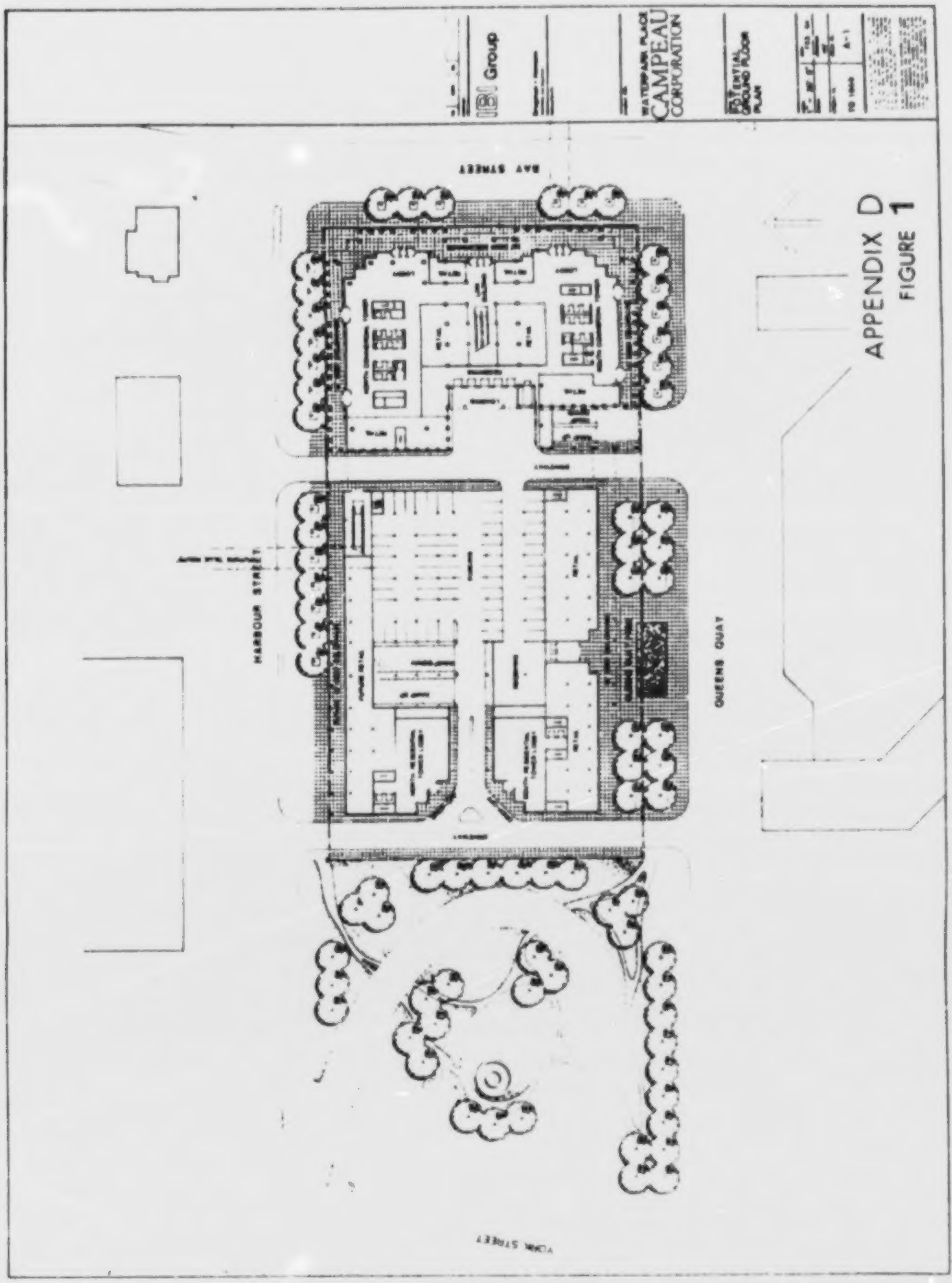

IBI Group
WATERPARK PLACE
CAMPEAU CORPORATION
RESIDENTIAL ENVELOPE STUDY - PLAN AT
COMMERCIAL
COMMERCIAL
RESIDENTIAL
RESIDENTIAL
APPENDIX C
PLAN 1


IBI Group
WATERPARK PLACE
CAMPEAU CORPORATION
RESIDENTIAL ENVELOPE STUDY - PLAN
COMMERCIAL
COMMERCIAL
RESIDENTIAL
RESIDENTIAL
BAY STREET

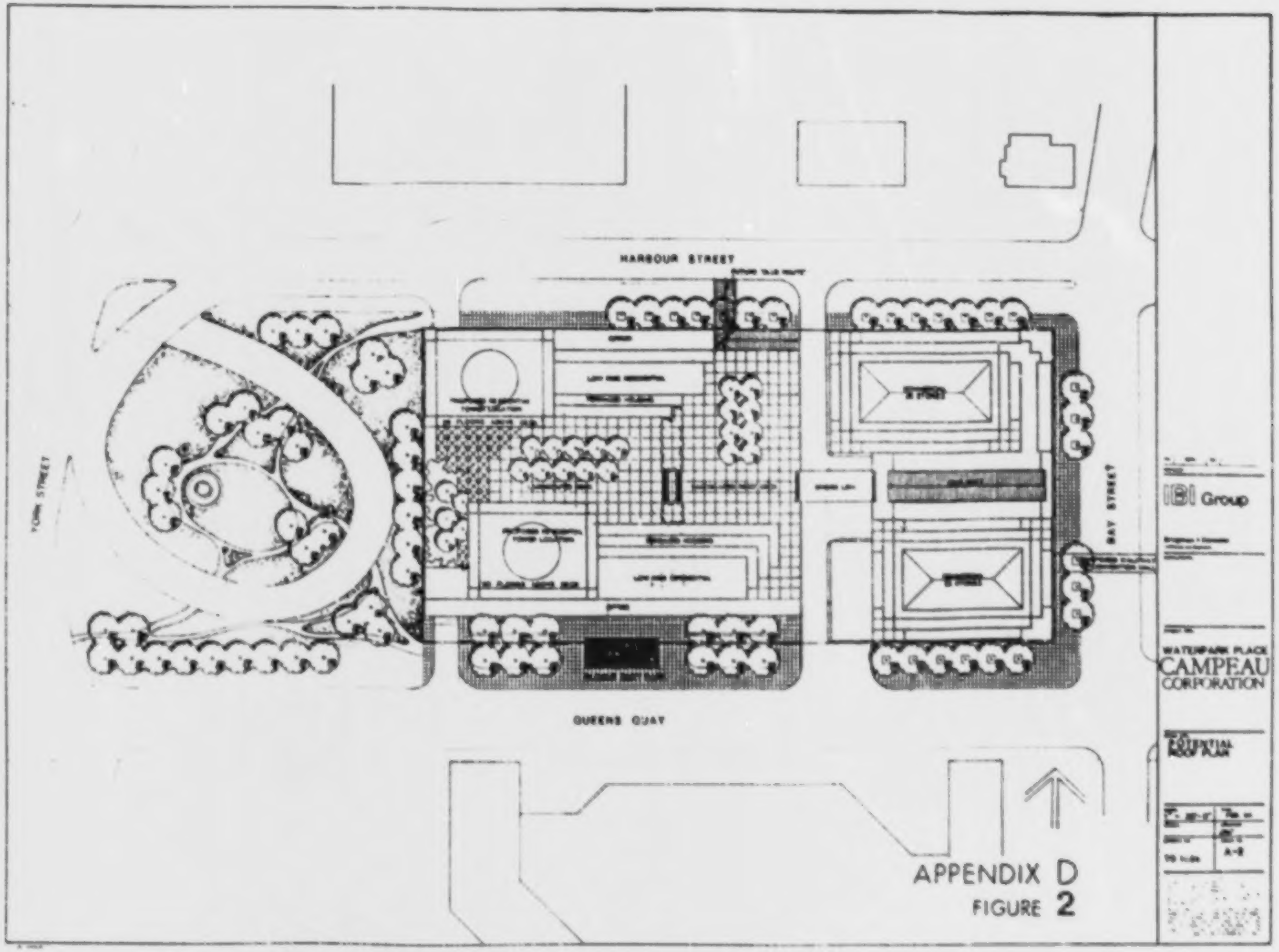
APPENDIX C
PLAN 2


Group
WATERPARK PLACE
CAMPEAU CORPORATION
RESIDENTIAL
RESIDENTIAL
210'-0"
APPENDIX C
PLAN 3


Group
WATERPARK PLACE
CAMPEAU CORPORATION
APPENDIX C
PLAN 4


IBI Group
WATERPARK PLACE
CAMPEAU CORPORATION
POTENTIAL GROUND FLOOR PLAN
A-1
BAY STREET
HARBOUR STREET
QUEENS QUAY
YORK STREET

APPENDIX D
FIGURE 1


HARBOUR STREET
QUEENS QUAY
BAY STREET
YORK STREET
IBI Group
WATERPARK PLACE
CAMPEAU CORPORATION
POTENTIAL ROOF PLAN

APPENDIX D
FIGURE 2

No. -84 A BY LAW

To amend By-law No. 255-69, as amended, respecting 10 Bay Street.

The Council of the Corporation of the City of Toronto enacts as follows:

(1) By-law No. 255-69, being "A By-Law To amend By-law No. 20623 respecting certain lands abutting Harbour Street and Queens Quay", as amended by By-law Nos. 263-69 and 214-82, is amended:

(a) by deleting Plan 1 and Plan 3 attached to and forming part of the aforesaid By-law 255-69, and by substituting therefor, respectively, Plan 1 and Plan 3, contained in Schedule 1 attached to and forming part of this By-law;

(b) by adding to the aforesaid By-law a new Plan 6 in the form and with the content of Plan 6 contained in Schedule 2, attached to and forming part of this By-law;

(c) by deleting Section 2 from By-Law No. 255-69, and by substituting therefor a new Section 2 as follows:

"2(1) None of the provisions of subsections 4(12), 4(13), 4(13A), 4(14), 4(14)A, 4(16), 4(20), 4(21), 4(22), and 4(24) of the aforesaid By-law No. 20623 shall apply to prevent the erection or use of one or more buildings or structures within area numbered 1 delineated on Plan 1 attached to and forming part of this By-law for the purposes permitted by this Section, provided that:

(a) the aggregate amount of *gross floor area* erected or used on the aforesaid area numbered 1 does not exceed 160 841 square metres of which not more than.

(i) 49 443 square metres may be erected or used for the purposes of *dwelling units* and uses *accessory* thereto, including at least 2 044 square metres that may be erected or used only within those portions of buildings located either at *grade* or within 13.72 metres above *grade* on the whole of or on any one or more areas within either Part 4 or Part 8 delineated on Plan 3 attached to and forming part of this By-law, which areas abut either the property line or the colonnade which parallel the southerly limit of Harbour Street, shown on the aforesaid Plan 3,

(ii) 78 965 square metres may be erected or used for the purposes of one or more offices, a *government office*, a *business office*, a *post office*, an administrative office of a *non-profit institution* of a religious, educational, recreational, fraternal, or philanthropic nature, and uses *accessory* thereto, including at least 556 square metres that may be erected or used only within those portions of buildings located either at *grade* or within 13.72 metres above *grade* on the whole of or on any one or more areas within either Part 4 or Part 8 delineated on the aforesaid Plan 3, which areas abut either the property line or the colonnade which parallel the southerly limit of Harbour Street shown on the aforesaid Plan 3,

(iii) 5 110 square metres may be erected or used for the purposes of one or more *local retail and service shops*, *general retail and service shops*, *community services and facilities*, and uses *accessory* to any one or more of them, including at least 500 square metres that may be erected or used for the purposes of *local retail and service shops* and *general retail and service shops* only within those portions of buildings located either at *grade* or within 13.72 metres above *grade* on the whole of or on any one or more areas within either Part 4 or Part 8 delineated on the aforesaid Plan 3, which areas abut either the property line or the colonnade which parallel the southerly limit of Harbour Street shown on the aforesaid Plan 3,

(iv) 29 728 square metres may be erected or used at or above *grade* for the parking of motor vehicles including ramps, driveways, and passageways which provide access thereto; and

(b) each of the following provisions is satisfied:

(i) the aggregate amount of *gross floor area* which may be erected or used on the area numbered 1 delineated on the aforesaid Plan 1, for the purposes of *office uses, local retail and service shops, general retail and service shops,* and *community services and facilities,* and uses *accessory* to any one or more of such uses, does not exceed 81 670 square metres;

(ii) the aggregate amount of *gross floor area* which may be erected or used on Part 8 delineated on Plan 3, attached to and forming part of this By-law, for the purposes of *office uses, local retail and service shops, general retail and service shops, community services and facilities,* and uses *accessory* to any one or more of such uses, does not exceed 5 388 square metres;

(iii) no building or structure or portion thereof may be erected or used on the whole or any one or more portions of Parts 1, 2 and 3 delineated on the aforesaid Plan 3, except for the purposes of *office uses, local retail and service shops, general retail and service shops, community services and facilities, above-grade parking,* and uses *accessory* to any one or more of such uses;

(iv) no building or structure may be erected or used on Parts 4, 6, 7, or 8 delineated on the aforesaid Plan 3 except for the purposes of *dwelling units, office uses, local retail and service shops, general retail and service shops, community services and facilities, above-grade parking* and uses *accessory* to any one or more of such uses;

(v) no building or structure may be erected or used on Part 5 delineated on the aforesaid Plan 3 except for the purposes of *above-grade parking* and for uses which are *accessory* to any one or more of the purposes for which buildings or structures may be erected or used by this Section on any one or more of Parts 1, 2, 3, 4, 6, 7, and 8 delineated on the aforesaid Plan 3;

(vi) buildings or structures erected or used on Parts 1, 2, 3, 6, and 8 delineated on the aforesaid Plan 3, contain an aggregate amount of at least 1 672 square metres of *street-related retail and service uses,* of which at least 557 square metres of *street-related retail and service uses* are erected or used on Parts 1, 2 and 3, delineated on the aforesaid Plan 3;

(vii) not less than an aggregate amount of 1 068 square metres of *common outdoor space* is provided on Parts 7 and 9 delineated on the aforesaid Plan 3;

(viii)each building or structure erected on the whole or any one or more portions of Parts 1 to 8, inclusive, delineated on the aforesaid Plan 3, shall extend above the *minimum required height* for the particular Part which *minimum required height* is specified on the aforesaid Plan 3;

(ix) no portion of any building or structure shall extend above the *maximum height limit* specified on the aforesaid Plan 3 for the Part on which it is erected or used, provided that on Part 5 no portion of any building or structure shall extend above a height of 13.72 metres above *grade* other than a building or structure or portion thereof used for the purposes of uses which are *accessory* to any one or more of the uses permitted by this Section, and provided further that in determining the height of the building or structure for the purpose of this sub-paragraph, there shall be excluded:

(aa) any stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment located on the roof of such building or any fence, wall or structure enclosing such elements, provided:

1. the maximum height of the top of such elements or enclosure is not higher than the sum of 5 metres plus the *maximum height limit* specified for the Part;

2. the aggregate horizontal area of such elements, including the area contained within any enclosure, measured at any point above the level of the said *maximum height limit*, does not exceed thirty (30) per cent of the area of the roof of such building; and

3. the width of any such elements, including the width of any enclosure, located within 6 metres of a boundary of the area numbered 1 delineated on the aforesaid Plan 3, which is a *street* line does not exceed twenty (20) per cent of the width of the main wall of the building facing such boundary, provided that such width is to be measured parallel to such boundary;

(bb) any structure, located on the roof of such building, used for recreation, safety or wind protection purposes, provided:

1. the maximum height of the top of such structures is no higher than the sum of three metres plus the *maximum height limit* applicable to the Part; and

2. no part of such structure is located less than two metres from any adjacent outside wall or any vertical projection of such wall;

(x) no portion of any building or structure which is erected above *grade* shall be set back further than the *set back line* shown on the aforesaid Plan 6 on which it is erected or used, provided that no such portion of any building or structure other than necessary supporting columns shall be erected or used within the area delineated as the colonnade on the aforesaid Plan 3 unless it is located at or above a level of 80.45 metres above Canadian Geodetic Datum and provided further that the minimum unobstructed width of the aforesaid colonnade is not reduced by more than 1.1 metre by the erection of any such supporting columns;

(xi) no person shall erect or use a building which contains *dwelling units*, either alone or in combination with any other use permitted by this Section on area numbered 1 delineated on the aforesaid Plan 1, in which the main window of the living area of a *dwelling unit* in such building is located any closer than:

(aa) 15 metres to the main window of the living area of another *dwelling unit* located on the aforesaid area numbered 1, or

(bb) 11 metres to a window of a *habitable room* of another *dwelling unit* located on the aforesaid area numbered 1; or

(cc) 7.5 metres either to a wall or to a boundary of the aforesaid area numbered 1 which is not a *street* line,

provided that the living area to which reference is made in this subparagraph 2(b)(xi) does not include a room used exclusively for the purposes of a bathroom, bedroom, or kitchen;

(xii) no person shall erect or use one or more buildings which contain *dwelling units* alone or in combination with any use permitted by this Section on area numbered 1 delineated on the aforesaid Plan 1, if lesser *recreation space* is provided on the aforesaid area numbered 1 than the aggregate of the amounts required for the *dwelling units* contained in such building or buildings by the following table:

Type of *Dwelling Unit*	*Recreation Space Requirement:*
bachelor dwelling unit	13 square metres per unit
one-*bedroom dwelling unit*	16 square metres per unit
two-*bedroom dwelling unit*	28 square metres per unit
dwelling unit containing three or more *bedrooms*	37 square metres per unit

(xiii) no person shall erect or use one or more buildings which contain *dwelling units* alone or in combination with any use permitted by this Section, if the portion of the *recreation space* required by the foregoing subparagraph (xii) which is provided in each *dwelling unit* as *personal recreation space* is less than the amounts required for each *dwelling unit* contained in such building or buildings by the following table:

Type of *Dwelling Unit:*	Portion of Total *Recreation Space* Requirement to be Provided as *Personal Recreation Space:*
bachelor dwelling unit	4.0 square metres per unit
one-bedroom *dwelling unit*	6.5 square metres per unit
dwelling unit containing two or more bedrooms	9.0 square metres per unit; and

(xiv) no portion of a building or structure which is located within 7.62 metres from the exterior face of an exterior wall of such building or structure which faces either Bay Street or Queens Quay West shall be erected or used for the purpose of *above-grade parking.*

(2) (a) The provisions of this subsection 2(2) shall apply to the owner or occupant of any building or structure to be erected or used in area numbered 1 delineated on the aforesaid Plan 1.

(b) Subject to paragraphs (c) to (j), inclusive, the owner or occupant of every building or structure or one or more portions thereof to be erected or used for any purpose listed in the column entitled "Type of Use" shown in Schedule 3 attached to and forming part of this By-law, shall provide and maintain motor vehicle parking facilities at least to the extent of the number of *parking spaces* in respect of each purpose as is prescribed in the column entitled "Minimum Required" shown in the aforesaid Schedule 3, but no person shall provide or maintain motor vehicle parking facilities containing a greater number of *parking spaces* than that set out opposite such purpose in the column entitled "Maximum Permitted".

(c) (i) In every case in which one or more *parking spaces* are required to be provided and maintained pursuant to paragraph 2(2)(b) in respect of a building or structure or one or more portions thereof to be erected or used for more than one of the purposes listed in the column of Schedule 3 entitled "Type of Use", the minimum number of parking spaces which shall be provided and maintained in respect of the entire building or structure shall be the greatest of the aggregate gross minimum numbers of *parking spaces* for the morning, afternoon and evening periods determined in accordance with sub-paragraph (ii) of this paragraph,

(ii) For the purposes of sub-paragraph (i) of this paragraph, in determining the greatest of the aggregate gross minimum numbers of *parking spaces* for the morning, afternoon and evening periods, the following rules shall be applied:

(aa) the minimum number of *parking spaces* which are to be provided and maintained in respect of each purpose for which each portion of the building or structure in question is to be erected or used shall be determined by identifying each of such purposes in the column entitled "Type of Use" shown on the aforesaid Schedule 3, then by ascertaining the minimum number of parking spaces for each of such purposes from the column entitled "Minimum Required" shown on the aforesaid Schedule 3, and the minimum numbers of *parking spaces* so determined are the gross minimum numbers of *parking spaces* to be provided and maintained in respect of each of such purposes;

(bb) the occupancy rates for each of the purposes referred to in clause (aa) of this paragraph for the morning, afternoon and evening periods, respectively, shall be ascertained from the column entitled "Occupancy Rate" shown on the aforesaid Schedule 3, and the gross minimum numbers of *parking spaces* to be provided and maintained in respect of each of the purposes for the building or structure in question determined pursuant to the aforesaid clause (aa) shall be multiplied by the applicable occupancy rates to produce the gross minimum numbers of *parking spaces* for each of such purposes for the morning, afternoon and evening periods, respectively;

(cc) the gross minimum numbers of *parking spaces* for each of the purposes referred to in clause (aa) of this paragraph, for each of the morning, afternoon and evening periods, respectively, shall be added to produce the aggregate gross minimum numbers of *parking spaces* for the building or structure to be erected or used for each of the morning, afternoon and evening periods, respectively; and

(dd) the greatest of the aggregate gross minimum numbers of *parking spaces* for the morning, afternoon and evening periods shall be determined;

(iii) Where the purpose or purposes for which a building or structure under sub-paragraph (i) of this paragraph is proposed to be used includes dwelling accommodation in respect of which Schedule 3 requires residents' parking, the lesser of:

(aa) the number of *parking spaces* resulting from the application of the aforesaid sub-paragraph (i) or,

(bb) the minimum number of residents' *parking spaces* involved in the calculation of parking in respect of the proposed use of the building or structure under the aforesaid sub-paragraph (i),

shall be provided and maintained solely for such dwelling accommodation and designated as such by one or more clearly visible signs;

(d) (i) In every case in which one or more *parking spaces* are required to be provided and maintained pursuant to paragraph (b) in respect of a building or structure or one or more portions thereof to be erected or used for more than one of the purposes listed in the column entitled "Type of Use" shown on the aforesaid Schedule 3, the maximum number of *parking spaces* which may be provided and maintained in respect of the entire building or structure shall be the greatest of the aggregate gross maximum numbers of *parking spaces* for the morning, afternoon and evening periods determined in accordance with sub-paragraph (ii) of this paragraph.

(ii) For the purposes of sub-paragraph (i) of this paragraph, in determining the greatest of the aggregate gross maximum numbers of *parking spaces* for the morning, afternoon and evening periods, the following rules shall be applied:

(aa) the maximum numbers of *parking spaces* which are to be provided and maintained in respect of each purpose for which each portion of the building or structure in question is to be erected or used shall be determined by identifying each of such purposes in the column entitled "Type of Use" shown on the aforesaid Schedule 3, then by ascertaining the maximum numbers of *parking spaces* for each of such purposes from the column entitled "Maximum Permitted" shown on the aforesaid Schedule 3, and the maximum numbers of *parking spaces* so determined are the gross maximum numbers of *parking spaces* to be provided and maintained in respect of each of such purposes;

(bb) the occupancy rates for each of the purposes referred to in clause (aa) of this sub-paragraph for the morning, afternoon and evening periods, respectively, shall be ascertained from the column entitled "Occupancy Rate" shown on the aforesaid Schedule 3, and the gross maximum numbers of *parking spaces* to be provided and maintained in respect of each of the purposes for the building or structure in question determined pursuant to the aforesaid clause (aa) shall be multiplied by the applicable occupancy rates to produce the gross maximum numbers of *parking spaces* for each of such purposes for the morning, afternoon and evening periods, respectively;

(cc) the gross maximum numbers of *parking spaces* for each of the purposes referred to in clause (aa) of this sub-paragraph, for each of the morning, afternoon and evening periods, respectively, shall be added to produce the aggregate gross maximum numbers of *parking spaces* for the building or structure to be erected or used for each of the morning, afternoon and evening periods, respectively; and

(dd) the greatest of the aggregate gross maximum numbers of *parking spaces* for the morning, afternoon and evening periods shall be determined.

(e) The *parking spaces* required by this subsection shall be provided and maintained in the location and in the type of parking facility applicable to the purpose or purposes for which the building or structure is to be erected or used, such parking facility and the location thereof being prescribed in the column of the aforesaid Schedule 3 entitled "Type and Location of Parking Facility".

(f) Where the calculation of the number of *parking spaces* required to be provided and maintained by this subsection results either in a fraction of a *parking space*, or in a whole number of *parking* *spaces* and a fraction of a *parking space*, such fraction if equal to or greater than 0.5 shall be taken to be 1.0 and added to the whole number of the *parking spaces* required to be provided and maintained, and if such fraction is less than 0.5 it shall be excluded from the determination of the number of *parking spaces* which are required to be provided and maintained in respect of the building or structure to be erected or used.

(g) The visitors' *parking spaces* required to be provided and maintained pursuant to this subsection in respect of a building to be erected or used for residential purposes only shall be reserved at all times for visitors to the building and shall be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the building, and all driveways or passageways leading from the street to visitors' parking facilities shall have the way there designated by means of clearly visible signs.

(h) Ingress and egress to and from parking facilities required by this subsection shall be provided by unobstructed driveways or passageways having a minimum width of 3.5 metres for one-way operation and a minimum width of 5.5 metres for two-way operation.

(i) Where land, buildings or structures are to be erected or used for a purpose (the "subordinate purpose") which is normally incidental, subordinate and devoted to another purpose (the "principal purpose") for which such lands, buildings or structures are to be erected or used, the subordinate purpose shall be deemed to be part of the principal purpose.

(j) All ramps erected or used below *grade* for the purposes of ingress and egress to and from *parking spaces* shall be constructed with a slope not exceeding fifteen percent.

(3) (a) Subject to paragraphs (b) to (e) inclusive, of this subsection, the owner or occupant of every building or structure to be erected or used on any one or more portions of area numbered 1 delineated on the aforesaid Plan 1, for any one or more of the purposes listed in the column entitled "Type of Use" on the aforesaid Schedule 3, shall provide and maintain within such building or structure or on the aforesaid area numbered 1, on land that is not part of a highway, laneway or driveway, loading facilities comprising the number and type of loading spaces at least to the extent prescribed in respect of such purpose or purposes in the column entitled "Number of Loading Spaces Required".

(b) Where only one of Tables 1 to 6, inclusive, shown on the aforesaid Schedule 3 applies in respect of all of the purposes for a building or structure to be erected or used, the loading facilities required to be provided and maintained pursuant to paragraph (a) of the subsection shall be determined either on the basis of the total number of *dwelling units*, if the aforesaid Table 1 applies or, if one of the aforesaid Tables 2, 3, 4, 5 or 6 applies, on the basis of the aggregate *total floor area* to be erected or used for the particular purposes.

(c) Where a building or structure, or one or more portions thereof, is to be erected or used for more than one of the purposes listed in the column of the aforesaid Schedule 3 entitled "Type of Use" and more than one of Tables 2 to 6, inclusive, shown on the aforesaid Schedule 3 applies, the loading facilities required to be provided and maintained pursuant to paragraph (a) shall be determined on the basis of the aggregate *total floor area* to be erected or used for the particular purposes to which each of the aforesaid Tables 2, 3, 4, 5 and 6, respectively, apply, provided that:

(i) the minimum number of *loading spaces - type A* to be provided and maintained for the building or structure to be erected or used in respect of the purposes concerning which the aforesaid Tables 3 and 6 apply shall be the greater of the number of *loading spaces - type A* determined by the application of the aforesaid Tables 3 and 6 or, if each number of *loading spaces - type A* determined by the application of the aforesaid Tables 3 and 6 is the same, the minimum number of *loading spaces - type A* to be provided and maintained for such building or structure shall be equal to the number of *loading spaces - type A* that would obtain on the application of one only of the aforesaid Tables 3 and 6;

(ii) the minimum number of *loading spaces - type B* to be provided and maintained for the building or structure to be erected or used in respect of the purposes concerning which more than one of the aforesaid Tables 2, 3, 5 or 6 apply shall be the greater of the number of *loading spaces - type B* determined by the individual application of the aforesaid Tables 2, 3, 5 or 6 or, if each number of *loading spaces - type B* determined by the application of the aforesaid Tables 2, 3, 5 or 6 is the same, the minimum number of *loading spaces - type B* to be provided and maintained for such building or structure shall be equal to the number of *loading spaces - type B* that would obtain on the application of one only of the aforesaid Tables 2, 3, 5 or 6;

(iii) the minimum number of *loading spaces - type C* to be provided and maintained for the building or structure to be erected or used in respect of the purposes concerning which more than one of the aforesaid Tables 2, 3 or 6 apply, shall be the greater of the number of *loading spaces - type C* determined by the application of the aforesaid Tables 2, 3 or 6 or, if each number of *loading spaces - type C* determined by the application of the aforesaid Tables 2, 3 or 6 is the same, the minimum number of *loading spaces - type C* to be provided and maintained for such building or structure shall be equal to the number of *loading spaces - type C* that would obtain on the application of one only of the aforesaid Tables 2, 3 or 6;

provided further that where the aforesaid Table 4, applies in respect of a purpose or purposes for the building or structure to be erected or used, the minimum number of *loading spaces - type A* and *loading spaces - type B* required as prescribed in Table 4 shall be provided and maintained in addition to the provision and maintenance of the loading spaces required by sub-paragraphs (i) to (iii), inclusive, of this paragraph.

(d) Notwithstanding paragraphs (a) to (c), inclusive, in a case where this subsection requires in respect of the portion of a *mixed-use building* to be erected or used for non-residential purposes that one or more *loading spaces - type A* or *loading spaces - type B* shall be provided and maintained and such building also contains *dwelling units*, the *loading space - type G* required in respect of such *dwelling units* shall be deemed to be satisfied by the provision and maintenance of at least one *loading space - type A* or one *loading space - type B* in respect of the portion of the building to be erected or used for *non-residential purposes*, provided that such *loading space - type A* or *loading space - type B* is constructed as a *loading space - type G*.

(e) Where land, buildings or structures are to be erected or used for a purpose (the "subordinate purpose") which is normally incidental, subordinate and devoted to another purpose (the "principal purpose") for which such lands, buildings or structures are to be erected or used, the subordinate purpose, shall be deemed to be part of the principal purpose.

(4) None of the provisions of subsections 12(1), 12(2) or 12(3) of the aforesaid By-law No. 20623 shall apply to the lands within the area numbered 1 delineated on the aforesaid Plan 1.

(5) None of the provisions of this Section shall prevent the use of any one or more portions of the aforesaid area numbered 1 for the purposes of a surface parking lot for motor vehicles, until one or more buildings or structures are erected on any one or more portions of Parts 4 to 8, inclusive, shown on the aforesaid Plan 3.

(6) None of the provisions of this Section or the aforesaid By-law No. 20623 shall prevent the erection or use on the aforesaid area numbered 1 of one or more wall signs, window signs, projecting signs, ground signs, banner signs, or other sign, notice or advertising device.

(7) None of the provisions of this Section shall prevent the erection or use of *parking spaces* in a portion of a building or structure erected or used *below grade* on area numbered 1, delineated on the aforesaid Plan 1.

(8) Except as otherwise provided in this Section, the provisions of the aforesaid By-law No. 20623 shall continue to apply to the lands within area numbered 1 delineated on the aforesaid Plan 1.

(9) For the purposes of this Section, the term:

(a) "*above-grade parking*" means the uses referred to in sub-paragraph 2(1)(a)(iv);

(b) "*accessory*" when used to describe a use, building or structure means a use, or a building or structure not exceeding 4 metres in height, that is naturally and normally incidental, subordinate and exclusively devoted to a principal use, building or structure and located on the same Part delineated on the aforesaid Plan 3 therewith;

(c) "*bachelor dwelling unit*" means a *dwelling unit* which contains only one *habitable room*;

(d) "*bedroom*" means a *habitable room* larger than 7 square metres, but does not include a living room, dining room or kitchen;

(e) "*common outdoor space*" means any paved, sodded or landscaped area which:

(i) adjoins, and is directly accessible from a street;

(ii) is open to the sky or is covered by a structure or any portion of a building but not located within a building;

(iii) is not narrower than 4.5 metres for an area covered by a structure;

(iv) is not used for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage area, motor vehicle parking area, or stairs or any portion thereof where the treads of such stairs are less than 1.5 metres in width;

(f) "*community services and facilities*" means a *day nursery*, a *nursery school*, premises of a *charitable institution*, *non-profit institution* or other community or social agency used for the purpose of providing a community service such as, but not limited to, employment, immigration, counselling, welfare or legal services;

(g) "*general retail and service shops*" means a retail store, a pawnbroker's shop, a secondhand shop, a *dressmaker's shop*, a *pet shop*, a real estate sales office, a *photographer's shop*, a travel agent, an auctioneer's premises, a *service and repair shop*, a locksmith's or gunsmith's shop, a taxidermist's shop, an upholster's shop, a *spotting and stain removing establishment*, a *duplicating shop*;

(h) "*grade*" means a level of 76.81 metres above Canadian Geodetic Datum;

(i) "*gross floor area*" means in the case of a building or buildings used for any one or more purposes permitted by this Section, the aggregate of the areas of each floor above or below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, or measured between such exterior faces and the centre line of any interior wall or projection thereof which separates a particular use from another use, exclusive of the following areas:

1. any room or enclosed area within any such building or buildings above or below *grade* which is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment, locker storage and laundry facilities, which service such building or buildings;

2. not more than two *dwelling units* used as living quarters for caretakers, watchmen or other supervisors of such building or buildings;

3. loading facilities above or below *grade* required by subsection (3) of the By-law; and

4. any part of any such building or buildings below *grade* which is used for the parking of motor vehicles or for storage or other *accessory* uses;

(j) "*loading space - type A*" means a loading space with a length of at least 17.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.3 metres;

(k) "*loading space - type B*" means a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;

(l) "*loading space - type C*" means a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 3.0 metres, and:

1. is located at *grade* and situated so that it serves an entrance to the building erected or to be erected on the aforesaid area numbered 1, and is readily accessible via a driveway or laneway with a minimum vertical clearance of 3.0 metres connecting with a street abutting the aforesaid area numbered 1; or

2. is located in the basement of such building on the first level below *grade* and situated so that it serves an elevator or similar lifting device serving the building and is readily accessible via a ramp, driveway or laneway with a minimum vertical clearance of 3.0 metres connecting with a street abutting the aforesaid area numbered 1;

(m) "*loading space - type G*" means a *loading space - type A* or *loading space - type B* except:

1. in the case of a *loading space - type B* the overall length of the space is at least 13.0 metres;

2. in either case, the loading space has a vertical clearance of at least 6.0 metres over at least the first 8.0 metres of the loading space measured from the end of the loading space opposite the entrance to it, and a vertical clearance of at least 4.3 metres over the balance of the loading space; and

3. the floor of at least the first 2.0 metres of the loading space measured from the end of the loading space, opposite the entrance to it, is

constructed of concrete and has a slope not exceeding 2 per centum (1 cm in 50 cm);

(n) "*local retail and service shops*" means a grocery shop, a *bake-shop*, a butcher shop, a delicatessen, a pharmacy, a variety or smoke shop, a newsstand, a hardware shop; a branch of a bank or financial institution; an *eating establishment*, a box lunch shop, a *tavern or public house*; a shoe repair shop, a *tailor's shop*, a *dry-cleaning shop*, a *dry cleaner's distributing station*, a *laundry shop*, a *personal grooming establishment*, a book store, a florist shop;

(o) "*maximum height limit*" means the level above *grade* for each of the Parts specified as the *maximum height limit* for such Part on the aforesaid Plan 3;

(p) "*minimum required height*" means the level above *grade* for each of the Parts specified as the *minimum required height* for such Part on the aforesaid Plan 3;

(q) "*mixed-use building*" means a building containing a combination of one or more *dwelling units* together with any *non-residential use* which is permitted by this Section;

(r) "*net floor area*" means the *total floor area* exclusive of elevator shafts, stairs, ground floor lobbies, public pedestrian corridors and public washrooms;

(s) "*non-residential purposes*" means *office uses*, *local retail and service shops*, *general retail and service shops*, *community services and facilities* and uses *accessory* to any one or more of them;

(t) "*non-residential use*" has the same meaning as *non-residential purposes;*

(u) "*office uses*" means any one or more of the uses referred to in subparagraph 2(1)(a)(ii) of this section;

(v) "*parking space*" means an unobstructed area of at least 5.9 metres in length, and at least 2.6 metres in width, and which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle, and which is entered by means of a driveway or passageway having a minimum unobstructed width of 5.5 metres;

(w) "*personal recreation space*" means *recreation space* within or outside a building located adjacent to and directly accessible from a *dwelling unit* which is provided for the exclusive use of the occupants of the *dwelling unit* and includes a private patio, courtyard, garden, terrace, balcony or enclosed balcony;

(x) "*recreation space*" means an area or areas located within area numbered 1 delineated on the aforesaid Plan 1 provided exclusively for the use of the residents of one or more *buildings* located thereon, for the purpose of *personal recreation space* or *shared recreation space*;

(y) "*shared recreation space*" means *recreation space* provided within or outside a building for the use of residents of a building or buildings within area numbered 1 delineated on the aforesaid Plan 1, for recreational or social purposes, and includes a landscaped area, a garden, a terrace, an outdoor swimming pool, an outdoor games or play area, a tot lot, a covered sitting area, an indoor swimming pool, a sauna, a shower and change room, an exercise room, a hobby room, a workshop, a lounge or a meeting room;

(z) "*street-related retail and service uses*" means one or more of the shops or stores referred to in paragraphs (g) and (n) of this subsection provided that:

(i) a principal entrance of any such shop or store is located in the exterior wall of the building, and is directly accessible by pedestrians walking along the colonnade or the southerly limit of Parts 6 and 8, shown on the aforesaid Plan 3;

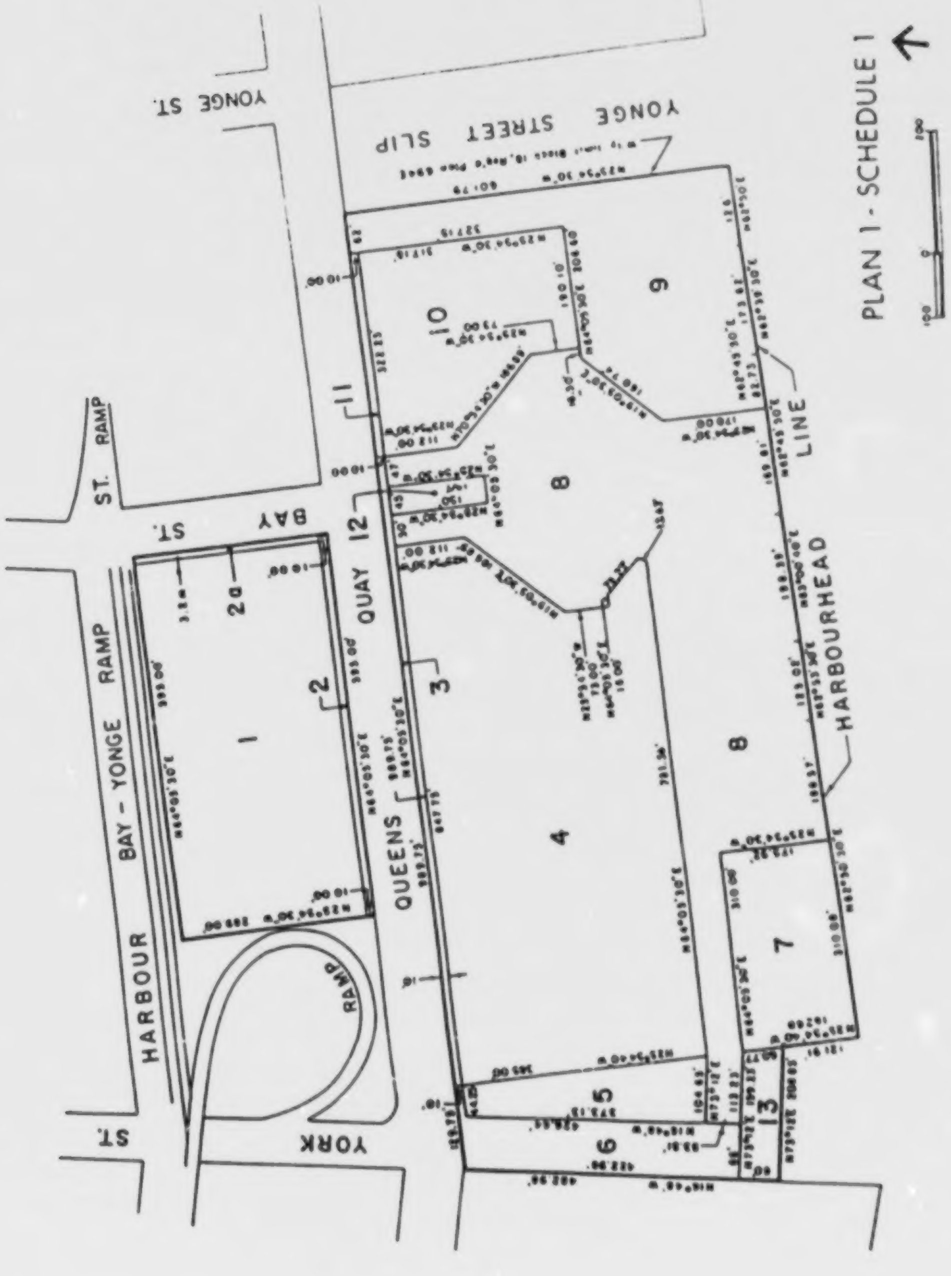
(ii) a principal entrance of any such shop or store is located no more than 1 metre above *grade*;

(aa) "*total floor area*" means the aggregate of the areas of each floor of a building or structure above and below *grade* used for the purpose of a particular use, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, or measured between such exterior faces and the centre line of any interior wall or projection thereof which separates such use from another use, exclusive of the following areas:

1. any room or enclosed area within the building or structure above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment, which services the building;

2. any part of the building or structure below *grade* which is used for storage; and

3. any part of the building or structure used for parking facilities or loading facilities.


YONGE ST.
YONGE STREET SLIP
BAY ST.
ST. RAMP
HARBOUR BAY - YONGE RAMP
QUEENS QUAY
YORK ST.
RAMP
HARBOURHEAD LINE
1
2
2a
3
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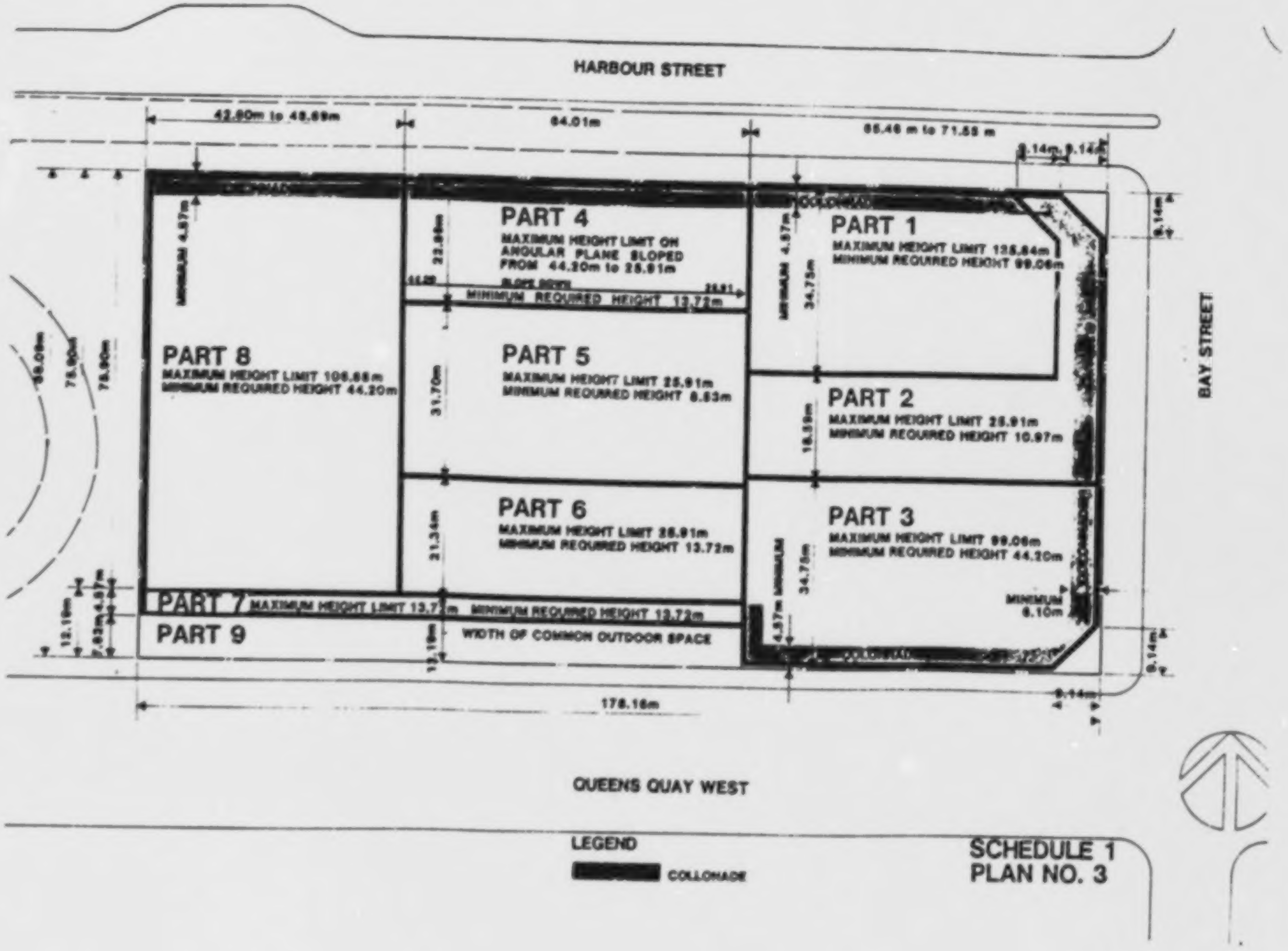
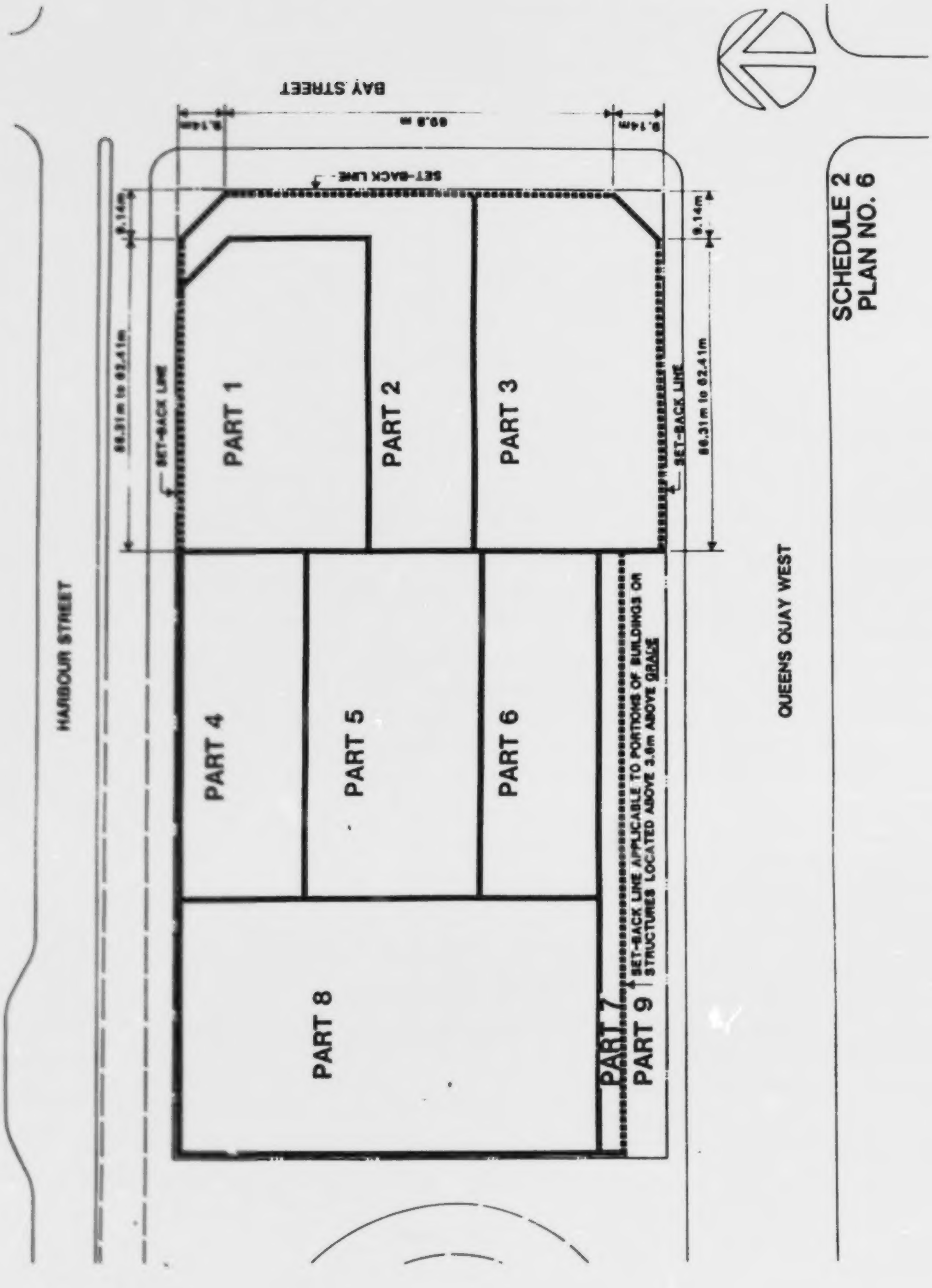
12
13

PLAN 1 - SCHEDULE 1

APPLICATION No. 1629


HARBOUR STREET
42.90m to 48.69m
64.01m
65.46 m to 71.55 m
9.14m
9.14m
9.14m
PART 1
MAXIMUM HEIGHT LIMIT 125.84m
MINIMUM REQUIRED HEIGHT 99.06m
MINIMUM 4.57m
34.75m
COLONNADE
PART 2
MAXIMUM HEIGHT LIMIT 25.91m
MINIMUM REQUIRED HEIGHT 10.97m
18.59m
PART 3
MAXIMUM HEIGHT LIMIT 99.06m
MINIMUM REQUIRED HEIGHT 44.20m
34.75m
4.57m MINIMUM
MINIMUM 6.10m
PART 4
MAXIMUM HEIGHT LIMIT ON ANGULAR PLANE SLOPED FROM 44.20m to 25.91m
SLOPE DOWN
44.20
25.91
MINIMUM REQUIRED HEIGHT 13.72m
22.86m
PART 5
MAXIMUM HEIGHT LIMIT 25.91m
MINIMUM REQUIRED HEIGHT 8.53m
31.70m
PART 6
MAXIMUM HEIGHT LIMIT 25.91m
MINIMUM REQUIRED HEIGHT 13.72m
21.34m
PART 7
MAXIMUM HEIGHT LIMIT 13.72m
MINIMUM REQUIRED HEIGHT 13.72m
PART 8
MAXIMUM HEIGHT LIMIT 106.68m
MINIMUM REQUIRED HEIGHT 44.20m
MINIMUM 4.57m
PART 9
WIDTH OF COMMON OUTDOOR SPACE
12.19m
12.19m
7.62m
4.57m
59.09m
75.90m
75.90m
178.16m
BAY STREET
QUEENS QUAY WEST
LEGEND
COLLONADE

SCHEDULE 1
PLAN NO. 3



SCHEDULE 2
PLAN NO. 6

BAY STREET
9.14m
60.8 m
9.14m
SET-BACK LINE
9.14m
86.31m to 92.41m
SET-BACK LINE
PART 1
PART 2
PART 3
9.14m
86.31m to 92.41m
SET-BACK LINE
HARBOUR STREET
PART 4
PART 5
PART 6
QUEENS QUAY WEST
PART 8
PART 7
PART 9
SET-BACK LINE APPLICABLE TO PORTIONS OF BUILDINGS OR STRUCTURES LOCATED ABOVE 3.0m ABOVE GRADE

PARKING REQUIREMENTS					LOADING REQUIREMENTS	
Type of Use	Type and Location of Parking Facility	Minimum Required	Maximum Permitted	Occupancy Rate	Range of Total Floor Area (m²)	Number of Loading Spaces Required
					TABLE 1	
• dwelling unit;	in a garage within Area 1 delineated on Plan 1, attached to and forming part of this by-law;	Residents' Parking: 0.3 parking space for each bachelor dwelling unit, 0.5 parking space for each one-bedroom dwelling unit, 0.75 parking space for each two-bedroom dwelling unit and 1.20 parking space for each three or more bedroom dwelling unit contained therein; Visitors' Parking: 0.06 parking space for every dwelling unit contained therein;	N/A	Residents' Parking: morning: 100% afternoon: 100% evening: 100% Visitors' Parking: morning: 0% afternoon: 35% evening: 100%	N/A	1 loading space - Type C
					TABLE 2	
an office building or a portion of a building used for any office purpose other than a government office; a business office; a charitable institution;		one parking space for each 100 square metres of net floor area, or fraction equal to or greater than one-half thereof, contained therein;	one parking space for each 135 square metres of net floor area, or fraction equal to or greater than one-half thereof contained therein;	morning: 100% afternoon: 60% evening: 0%	Less than 300 300- 999 1 000- 1 999 2 000- 3 999 4 000- 27 999 28 000- 51 999 52 000- 75 999 76 000- 99 999	Type B Type C nil nil 1 nil 1 1 1 2 2 2 2 3 3 3 3 4
• government office		one parking space for each 75 square metres of net floor area, or fraction equal to or greater than one-half thereof, contained therein;	one parking space for each 65 square metres of net floor area, or fraction equal to or greater than one-half thereof contained therein;	morning: 100% afternoon: 75% evening: 0%		
• medical/dental office		one parking space for each 100 square metres of net floor area, or fraction equal to or greater than one-half thereof, contained therein;	one parking space for each 30 square metres of net floor area, or fraction equal to or greater than one-half thereof contained therein;	morning: 100% afternoon: 100% evening: 50%		

SCHEDULE 3
1 OF 3

PARKING REQUIREMENTS					LOADING REQUIREMENTS			
Type of Use	Type and Location of Parking Facility	Minimum Required	Maximum Permitted	Occupancy Rate	Range of Total Floor Area (square metres)	Number of Loading Spaces Required		
					TABLE 3			
						Type A	Type B	Type C
a retail store; an auctioneer's premises; a bake-shop; a book store; a box lunch shop; a branch of a bank or financial institution; a butcher shop; a caterer's shop; a delicatessen shop; a dressmaker's shop; a dry cleaner's distribution station; a dry-cleaning shop; a duplicating shop; a florist shop; a hardware shop; a laundry shop; a locksmith's or gunsmith's shop; a news-stand; a pawnbroker's shop; a personal grooming establishment; a pet shop; a pharmacy; a photographer's shop; a real estate sales office; a second-hand shop; a service or repair shop; a shoe repair shop; a spotting and stain removing establishment; a tailor's shop; a taxidermist's shop; a travel agent; an upholsterer's shop; a variety or smoke shop;	in a garage within Area 1 delineated on Plan 1, attached to and forming part of this By-law;	one parking space for each 100 square metres of net floor area, or fraction equal to or greater than one-half thereof, contained therein;	one parking space for each 75 square metres of net floor area, or fraction equal to or greater than one-half thereof contained therein;	morning: 20% afternoon: 100% evening: 100%	Less than 500 500- 999 1 000- 4 999 5 000- 9 999	nil nil nil nil	nil 1 2 3	nil nil nil nil
an eating establishment; a tavern or public house; a cocktail bar; a nightclub; a wine bar; a beer parlour;	N/A	N/A	N/A	N/A				

SCHEDULE 3
2 OF 3

PARKING REQUIREMENTS					LOADING REQUIREMENTS	
Type of Use	Type and Location of Parking Facility	Minimum Required	Maximum Permitted	Occupancy Rate	Range of Total Floor Area (square metres)	Number of Loading Spaces Required
					TABLE 4	
• a grocery shop; a groceteria;	in a garage within area 1 delineated on Plan 1 attached to and forming part of this by-law;	one parking space for each 100 square metres of net floor area, or fraction equal to or greater than one-half thereof, contained therein;	one parking space for each 30 square metres of net floor area, or fraction equal to or greater than one-half thereof contained therein,	morning: 20% afternoon: 100% evening: 100%	Less than 100 100- 499 500- 999 1 000- 1 499 1 500- 2 000 over 2 000	Type A Type B nil nil nil 1 nil 2 1 2 1 3
					TABLE 5	
• nursery school;		one parking space for each 350 square metres of total floor area, or fraction equal to or greater than one half thereof, contained therein;	one parking space for each 150 square metres of total floor area, or fraction equal to or greater than one-half thereof contained therein;	morning: 100% afternoon: 100% evening: 0%	Less than 500 500- 19 999	nil 1 Type B space
					TABLE 6	
• day nursery.		one parking space for each 350 square metres of total floor area, or fraction equal to or greater than one-half thereof, contained therein.	one parking space for each 125 square metres of total floor area, or fraction equal to or greater than one-half thereof contained therein.	morning: 100% afternoon: 100% evening: 100%	Less than 500 500- 1 999	Type A Type B Type C nil nil nil nil nil 1

SCHEDULE 3
3 OF 3

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Bill No.

No. -84 A BY-LAW

To amend By-law No. 20623.

(Passed , 1984)

The Council of The Corporation of the City of Toronto enacts as follows:

1. None of the provisions of By-law No. 20623 being "A BY-LAW To regulate the use of land and the erection, use, bulk, height, spacing of an other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent:

(a) the use of the building erected on the lands to which this By-law applies on (Insert date of passing of this By-law) for any one or more of the non-residential purposes permitted by Section 12A(1)(b) of the aforesaid By-law No. 20623;

(b) the restoration, renovation or alteration of any one or more areas contained in the aforesaid building without complying with the provisions of this By-law respecting *common outdoor space*, provided that the amount of *non-residential gross floor area* contained in such building is not increased above the amount contained therein on (Insert date of adoption of Official Plan Amendment);

(c) in the event that the aforesaid building is razed or damaged in whole or in part by fire, explosion or Act of God to the extent of at least fifty (50) per cent of its value before damage, the replacement or reconstruction of the aforesaid building or damaged portion thereof, without complying with the provisions of this By-law respecting *non-residential gross floor area* and *common outdoor space*, provided that the *non-residential gross floor area* contained in the replacement or reconstructed building does not exceed 24 878 sq.m. of *non-residential gross floor area*; and

(d) no fewer than 26 *parking spaces*, 2 *loading spaces - Type B* and 2 *loading spaces - Type C* are provided and maintained either on the lands to which this By-law applies or on the lands to which By-law No. (Insert reference to Scotia Plaza site-specific Zoning By-law) applies.

2. None of the provisions of Subsection 2(63A1), (63B), (63C) and (63D) and Subsection 4(11)(a) and (b), (13), (13a) and (14a) of the aforesaid By-law No. 20623 shall apply to the lands to which this By-law applies.

3. For the purposes of this By-law, the term:

(a) "*loading space - type B*" means a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;

(b) "*loading space - type C*" means a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres, and is located in the basement of such building on the first or second level below *grade* and is situated so that it serves an elevator or similar lifting device serving the building and is readily accessible via a ramp, driveway or laneway with a minimum vertical clearnance of 3.0 metres connecting with a street abutting the land to which this By-law applies;

(c) "*parking space*" means an unobstructed area at least 5.9 metres in length, and at least 2.6 metres in width and which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle and which is entered by means of a driveway or passageway having a minimum unobstructed width of 5.5 metres.

4. Ingress and egress to and from the parking facilities required by Section 2 of this By-law shall be provided by a sufficient number of adequate, unobstructed driveways or passageways having a minimum width of 3.5 metres for one-way operation and a minimum width of 5.5 metres for two-way operation.

5. This By-law applies to the lands more particularly described as:

Section 11 of Part I of the Official Plan is amended by adding thereto the following:

11.___ LANDS KNOWN FOR MUNICIPAL PURPOSES AS 20 KING STREET WEST

(a) Sections 9.2 and 9.4 of this Plan do not apply to the lands to thich this Section applies.

(b) Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands to which this Section applies which permits the building erected thereon on (Insert date of adoption of this Official Plan Amendment), to be used for any one or more non-residential and/or *institutional* purposes which are permitted by the provisions of the Zoning By-law applicable to such lands, and which do not apply to prevent:

(i) the restoration, renovation of or alteration to the aforesaid building from time to time; or

(ii) the replacement or reconstruction of the aforesaid building or portion thereof if it is razed or damaged in whole or in part by fire, explosion or other Act of God,

provided that such by-laws do not permit the aforesaid building, including any alteration, or replacement or reconstruction of the aforesaid building, to contain an amount of *non-residential gross floor area* in excess of the amount contained in the building on (Insert date of adoption of this Amendment by Council).

(c) This Section applies to the lands more particularly described as (Insert legal description of 20 King Street West).

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Bill No.

No. -84 A BY-LAW

To amend By-law No. 20623.

(Passed 1984)

The Council of The Corporation of the City of Toronto enacts as follows:

1. This By-law applies to the lands more particularly described as Parts of Town Lots 2, 3 and 4, south side of Adelaide Street and Parts of Town Lots 3 and 4, north side of King Street, Town of York Plan, which are shown as Parts 1 to 6, 8 to 12, 14, 16, 17, according to Plan of Survey of Record (insert Reference Plan registration details).

2. Except as otherwise provided herein, the provisions of By-law No. 20623, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters

relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall continue to apply to the lands to which this By-law applies and all references contained therein to a *lot* shall be deemed to be references to the *development lot*, and all references contained therein to *grade* shall be deemed to be references to *grade* as defined in this By-law.

3. None of the provisions of Subsections 2(63A), (63B) and (63C), Subsections 4(11), (12)(c), (12)(d), (12)(e), (12)(f), (12)(h), (12)(i), (12)(m), (13) and (14), and Subsections 12A(2)(a), (2)(b), (2)(f), (2)(g) and (5) and Map 50G-323 contained in Appendix "B" of the aforesaid By-law No. 20623, as amended, shall apply to prevent the erection or use of one or more buildings or structures or any one or more portions of the *development lot* which contain exclusively *non-residential gross floor area*, exclusively *dwelling units*, or a combination of *non-residential gross floor area* and *dwelling units*, provided that:

(a) the aggregate amount of the *non-residential gross floor area* erected or used on the *development lot* does not exceed 210 262.8 sq.m., of which:

  (i) not more than 4 782.6 sq.m. may be erected or used on Area A shown on Map 1, contained in Schedule 1 which is attached to and forms part of this By-law, provided that not more than 4 509 sq.m. may be erected or used in in the Area unless such building contains *street-related retail and services uses* facing an aggregate length of at least 10.8 metres of *frontage*,

  (ii) not more than 48 423.0 sq.m. may be erected or used on Area B shown on the aforesaid Map 1,

  (iii) not more than 153 729.2 sq.m. may be erected or used on Area C shown on the aforesaid Map 1,

  (iv) not more than 3 328.0 sq.m. may be erected or used on Area D shown on the aforesaid Map 1, and

  (v) not more than 0 sq.m. may be erected or used on Area E shown on the aforesaid Map 1;

(b) the buildings erected or used on the *development lot* contain:

  (i) *street-related retail and service uses* facing an aggregate length of 84.5 metres of *frontage* on the aforesaid Area B, and

  (ii) *street-related retail and service uses* facing an aggregate length of 28.5 metres of *frontage* on the aforesaid Areas C and D;

(c) any building which is to contain *dwelling units* or a combination of *non-residential gross floor area* and *dwelling units* shall be erected or used on the aforesaid Area A and shall contain not more than 36 *dwelling units*;

(d) not less than 1 538.9 sq.m. of *common outdoor space* is provided on the *development lot*;

(e) no portion of any building or structure, other than one or more flagpoles, which is erected or used on the *development lot* shall extend above the *height limit* shown on Map 2 contained in Schedule 2 which is attached to and forms part of this By-law, provided that the *height limit* shown thereon for Area B may be exceeded by the height of one or more aerials or other devices used for the transmission and/or reception of communication signals if the height of such devices does not exceed a plane defined by an angle of 60 degrees from the horizontal at the parapet edge of the building erected on Area B on the date of passing of this By-law;

(f) the buildings and/or portions of buildings which on the date of passing of this By-law are erected on the portions of Areas A, B and C, respectively, shown on Map 3 contained in Schedule 3 which is attached to and forms part of this By-law, continue to be erected, provided that, for the purposes of this clause, if any one or more of such buildings or portion(s) of a building(s) is destroyed or damaged by fire, explosion or other Act of God, it shall nevertheless be deemed to continue to be erected whether or not in fact the building(s) or portion(s) thereof is reconstructed or replaced; and

(g) not fewer than 450 *parking spaces*, 9 *loading spaces - Type B*, and 7 *loading spaces - Type C* are provided, maintained and contained in buildings erected or used on the *development lot*, provided that 26 of the aforesaid *parking spaces*, 2 of the aforesaid *loading spaces - Type B* and 2 of the aforesaid *loading spaces - Type C* may be provided and maintained on the *development lot* in satisfaction of requirements in respect of the provision of parking spaces and loading facilities provided by By-law No. (Insert Number of Royal Bank By-law).

4. For the purposes of this By-law, the term:

(a) "*common outdoor space*" means any paved, sodded or landscaped area which:

(i) adjoins, and is directly accessible from, a *street*,

(ii) is open to the sky or is covered by a structure or any portion of a building but not located within a building,

(iii) is located within 2 metres of the elevation of the adjacent public sidewalk and is accessible therefrom by means of a stair or ramp,

(iv) is not narrower than 2.5 metres for an area covered by a structure, and not narrower than 3 metres for any other area, and

(v) is not used for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage area, motor vehicle parking area, or stairs or any portion thereof where the treads of such stairs are less than 1.5 metres in width;

(b) "*frontage*" means:

(i) in the case of Area A shown on the aforesaid Map 1, "*frontage*" means the boundary of Area A which is also the easterly limit of the Bay Street *street* allowance,

(i) in the case of Area B shown on the aforesaid Map 1, "*frontage*" means one or more of of the boundaries of the Area which is also either the northerly limit of the King Street West *street* allowance, or the easterly limit of the Bay Street *street* allowance,

(iii) in the case of Area C shown on the aforesaid Map 1 "*frontage*" means one or more of the boundaries of the Area which is also either the southerly limit of the Adelaide Street West *street* allowance or the northerly limit of the King Street West *street* allowance, and

(iv) in the case of Area D shown on the aforesaid Map 1 "*frontage*" means the boundary of Area D which is also the westerly limit of the Yonge Street *street* allowance;

(c) "*grade*" means the level which is located at 84.7 metres above the Canadian Geodetic Datum;

(d) "*height limit*" means the level above Canadian Geodetic Datum for each Area shown on the table set out on the aforesaid Map 2;

(e) "*loading space - Type B*" means a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;

(f) "*loading space - Type C*" means a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres and is located in the basement of such building on the first or second level below *grade* and is situated so that it serves an elevator or similar lifting device servicing the building and is readily accessible via a ramp, driveway or laneway with a minimum vertical clearance of 3.0 metres connecting with a *street* abutting the land to which this By-law applies;

(g) "*development lot*" means the whole of the lands described in Section 1 of this By-law and, except to the extent otherwise provided in this By-law, the term "*development* lot" does not refer to an area of land that comprises less than all the lands to which this By-law applies, regardless of ownership as of the date of enactment of this By-law and any conveyances which are made or easements which are granted thereafter, and regardless of whether or not buildings or structures erected or to be erected on any part of parts thereof are erected or are to be erected simultaneously or at intervals, provided that whether or not such buildings or structures are connected above or below the natural level of the ground, they shall be considered to have a common basement;

(h) "*parking space*" means an unobstructed area at least 5.9 metres in length, and at least 2.6 metres in width and which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle and which is entered by means of a driveway or passageway having a minimum unobstructed width of 5.5 metres; and

(i) "*street-related retail and service uses*" means one or more of the shops or stores referred to in Section 12A(1)(b)(iii) and (iv) of the aforesaid By-law No. 20623, provided that:

(i) the principal entrance of any shop or store is located in the exterior wall of a building and is directly accessible by pedestrians walking along a route having a distance of not more than 5 metres facing the *frontage* of the building, and

(ii) a principal entrance of any such shop or store is located no more than 2 metres above or below *grade*.

5. Ingress and egress to and from parking facilities required by Section 3 of this By-law shall be provided by unobstructed driveways or passageways having a minimum width of 5.5 metres.

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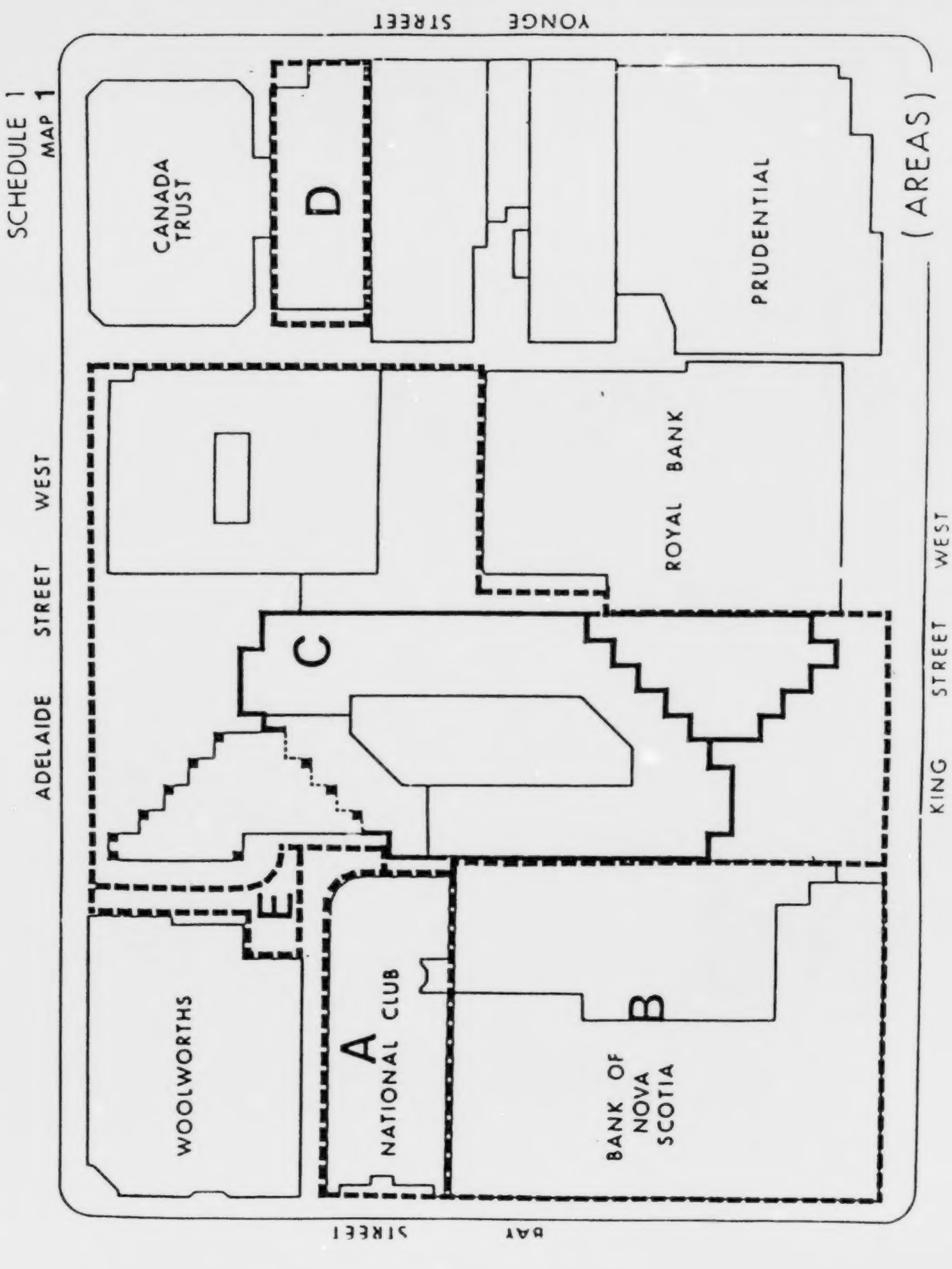
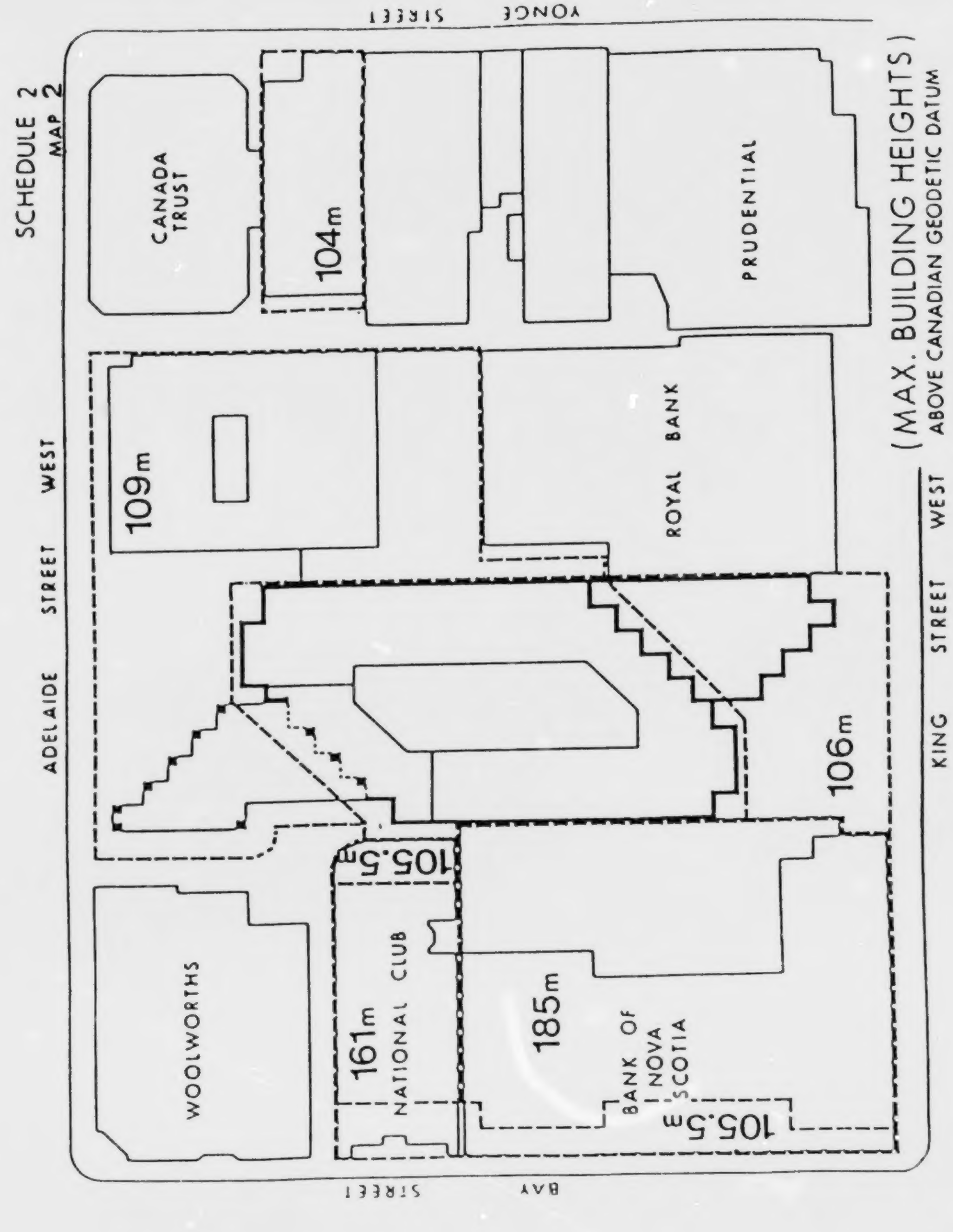
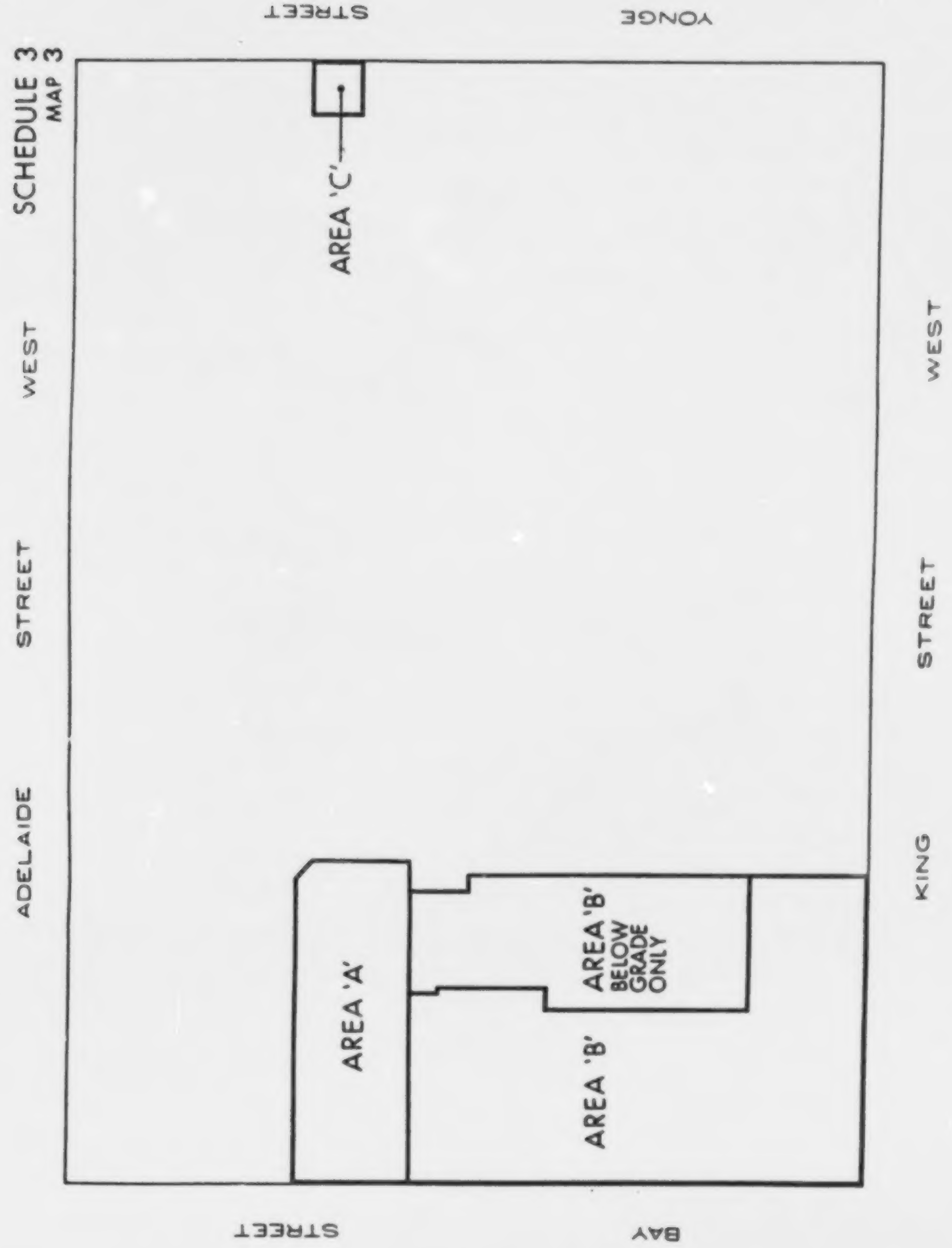


SCHEDULE 1
MAP 1
(AREAS)

YONGE STREET
ADELAIDE STREET WEST
KING STREET WEST
BAY STREET
CANADA TRUST
D
PRUDENTIAL
ROYAL BANK
C
E
WOOLWORTHS
A
NATIONAL CLUB
B
BANK OF NOVA SCOTIA


SCHEDULE 2
MAP 2
YONGE STREET
ADELAIDE STREET WEST
KING STREET WEST
BAY STREET
CANADA TRUST
104m
PRUDENTIAL
109m
ROYAL BANK
106m
105.5m
WOOLWORTHS
161m
NATIONAL CLUB
185m
BANK OF NOVA SCOTIA
105.5m
(MAX. BUILDING HEIGHTS)
ABOVE CANADIAN GEODETIC DATUM


SCHEDULE 3
MAP 3
ADELAIDE STREET WEST
YONGE STREET
KING STREET WEST
BAY STREET
AREA 'C'
AREA 'A'
AREA 'B' BELOW GRADE ONLY
AREA 'B'

Section 11 of Part I of the Official Plan is amended by adding thereto the following:

"11._ A PORTION OF THE LANDS WITHIN THE BLOCK BOUNDED BY KING STREET WEST, BAY STREET, ADELAIDE STREET WEST AND YONGE STREET

This Section applies to the lands indicated on the map designated "Official Plan - City of Toronto Amendment No. ___", which is attached to and forms part of this Section, which lands are hereinafter referred to as the "development lands".

(a) Notwithstanding Sections 3A.4(b) to 3A.4(e), 3A.5(a), 3A.5(b), 3A.5(d), and 3A.5(e) of this Plan, Council may pass By-laws applicable to the development lands to permit the erection or use on a portion thereof of not more than 36 dwelling units, and the erection or use of one or more buildings which contain *non-residential gross floor area* in an amount not exceeding 210 262.8 square metres, provided that:

(i) such By-laws reduce the maximum amount of *gross floor area* for office, retail, service, community service and above grade parking purposes permitted to be erected or used on the lands known for municipal purposes in the year 1984 as 10 Bay Street, to 111 398 square metres;

(ii) such By-laws increase the maximum amount of *gross floor area* for *residential* purposes permitted to be erected or used on the lands known for municipal purposes in the year 1984 as 10 Bay Street, to an amount not exceeding 49 443.5 square metres; and

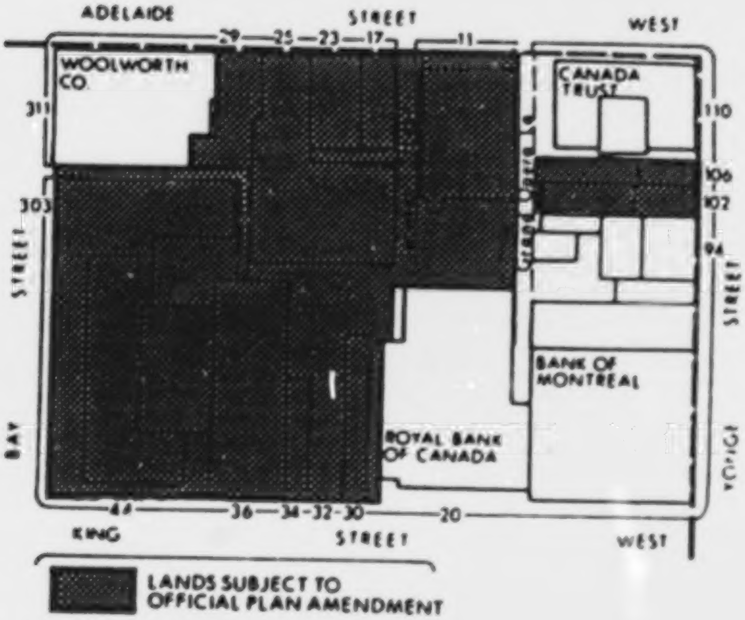
(iii) the buildings or such portions thereof which, in the opinion of Council, expressed in a resolution of Council, are of architectural or historic value or interest, which are erected on ________, 1984 (insert date of adoption of the O.P.A. by Council) on the lands known for municipal purposes in the year 1984 as 303 Bay Street, 44 King Street West and 102 Yonge Street, respectively, continue to be erected on the aforesaid 303 Bay Street, 44 King Street West and 102 Yonge Street, respectively.

(b) Notwithstanding Section 10.18 of this Plan, in By-laws passed pursuant to the Section, the development lands shall be deemed to be one *lot* regardless of whether two or more buildings which are not connected below grade are erected thereon, and regardless of any conveyances or easements made or granted after ________, 1984 (insert date of adoption of this O.P.A. by Council).

(c) Sections 1A.35(a), 1A.42(b) to 1A.42(d), 1A.46(a) and 1A.47(b) of this Plan shall not apply to the development lands.

(d) Notwithstanding any other provision of this Section, provisions of By-laws passed pursuant to this Section which apply to the lands known for municipal purposes in the year 1984 as 10 Bay Street may be contained in a by-law which applies only to 10 Bay Street, rather than to both 10 Bay Street and to the development lands, provided that by-laws applicable to both 10 Bay Street and the development lands, respectively, to implement this Section, are passed by Council at the same meeting of Council.

OFFICIAL PLAN
CITY OF TORONTO
AMENDMENT No.___


ADELAIDE
STREET
WEST
29
25
23
17
11
WOOLWORTH CO.
CANADA TRUST
311
303
110
106
102
94
BAY
STREET
YONGE
STREET
BANK OF MONTREAL
ROYAL BANK OF CANADA
44
36
34
32
30
20
KING
STREET
WEST
LANDS SUBJECT TO OFFICIAL PLAN AMENDMENT

The Committee also submits the communication (May 30, 1983) from William Roberts, Past Chairman, C.O.R.R.A.:

Re: Density Transfers re Bank of Nova Scotia and Campeau

We wish to express our concerns relating to the specific transfer referred to and to transfers in general.

In regard to the Nova Scotia transfer to Campeau and vice versa, we view the said transfer as a violation of the Official Plan. The four times residential density to be transferred by the Bank is not an "of right" density but only given if residential densities are provided in that area. It was never the intention to allow such densities to be transferred outside of the district.

Furthermore, we question whether there was an intention to transfer densities beyond adjacent blocks and planning districts into different areas.

We respectfully suggest that this transfer be examined in regard to its compliance with the policies of the Official Plan to encourage residential/commercial mixes in the Downtown district; in regard to the appropriateness of densities transfers outside of planning areas to other areas; and in regard to amendments to the Official Plan in regard to such matters.

We wonder if it is now the policy of the City to allow densities to be transferred from one section of the City to another? Is it the policy to allow bonus densities to be transferred even where the reason for the bonusing is not being achieved?

We ask to be kept informed and to be allowed to speak.

The Committee also submits the communication (January 31, 1983) from Mr. C. Ridabock, President, Downtown Business Council:

The Downtown Business Council, representing the business community within downtown Toronto, wishes to reinforce development projects which contribute to the economic health and overall improvement of the downtown core.

We understand that approval of City Council Members has been given, in principle, to the development planned by Campeau Corporation and the Bank of Nova Scotia, to be constructed at the north-east corner of King and Bay Streets. In our view, this project merits consideration by City Council for the following reasons:

1. The Downtown Business Council understands that construction employment within the City is in dire straits, with an unemployment rate within the construction trades of some 40 per cent. With a lack of new projects going forward for approval in the near future, improvement within the level of construction employment seems bleak. It is obvious to us, that a project of this magnitude will help to improve this difficult situation.

2. It is our opinion that Scotia Plaza should attract new business to Toronto from other cities, thus boosting our image as a world class City. Further, this prestige complex should add substantially to the tax base and provide valuable income for future programs sponsored by City government.

3. While we would not attempt to pass judgment on the actual structure to be built in the new development, the detailed plans and model seem very attractive and should add to Toronto's skyline and streetscapes. We are particularly impressed by the planned restoration of the Bank of Nova Scotia building, known as 44 King Street West, as well as the planned preservation of the Wood Gundy Building. The present Bank headquarters building has strong character in its design and is considered by many to be one of Toronto's landmark structures.

4. We understand that Campeau Corporation is endeavouring to provide pedestrian linkages from the proposed project through to Yonge Street on the east as well as linkages to the subway at King and Yonge Streets. We encourage and support this endeavour since the viability of Yonge Street has been one of our most important objectives.

Again, we encourage City Council to pass fair and reasonable rules which will permit this important project to proceed.

The Committee also submits the communication (March 6, 1984) from William Roberts, Past-Chairman, C.O.R.R.A.:

We wish to go on record questioning the policies presently being adopted by City Council in regard to the Central Area Plan. It is our opinion that you have abandoned the policies set out in that plan and the rationale behind it.

There were two concerns extant in that plan. One was to keep the limits on growth of workers in the downtown core because the transit system could not carry them. The other was to encourage the creation of residential units downtown so that workers would not have to commute.

By transferring the density from the Scotia development to Campeau, this Council is stating that what was a bonus provision to encourage the development of residential units adjacent to commercial is being abandoned. Furthermore, it is treating a bonus density as though it was an as-of-right density, and ignoring its purpose.

Furthermore, the transfer is from one area to another. How far away will transfers be allowed?

In addition, the report will allow the Royal Bank to become even more non-conforming than it is. It is the policy of Council not to encourage the continuation of non-conforming densities. How then can you reconcile that Official Plan policy with the agreement to sever.

Furthermore, how can you support allowing the severance when it will increase the non-conformity? If you are to be consistent, you should oppose the severance until the new density has been approved by you, the legislative body.

Can the subway survive another 5,000 workers? What studies have been done?

On the whole, we are concerned that this Council, without saying so, has thrown the Central Area Plan away. Certainly the report does not address such issues. It should.

Please keep us informed. We desire a copy of the by-law once it is approved by Council.

The Committee also submits the communication (March 23, 1984) from John D. Herrick, 33 Harbour Square, Apt. 3409:

I understand that there is going to be a hearing shortly on Campeau's new development to be located across the street from Harbour Square.

At the last meeting I attended in regard to this matter which was held at City Hall, the architect stated that the building would be no higher than 25 storeys. I now find that a city planning report has been issued, showing that the tower will be 38 storeys high. I am a little disturbed that they have given us one figure and are now going to use another.

If another hearing is to be held, would you please advise me because I would like to appear.

The Committee also submits the report (May 4, 1984) from the Commissioner of Planning and Development:

Subject: Modifications to the final report (March 2, 1984) from the Commissioner of Planning and Development, on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street.

Origin: Commissioner of Planning and Development (c71luc84246:81)

Comments: On March 7, 1984, the Land Use Committee adopted the subject report on Rezoning Application No. 1629 and requested the appropriate officials to take the necessary action to give effect thereto. Subsequently, the applicant has requested a number of minor changes to the proposed zoning amendment. These are summarized following, together with my comments:

1. That all of the remaining non-residential gross floor area which is not required for retail and services uses, and community services and facilities, be permitted for office uses.

   An unintended effect of Recommendation 1(i) in my final report would be to penalize the applicant by not permitting the proposed maximum non-residential density to be fully utilized if only the minimum required amount of retailing and community facilities were to be built. The recommendation should therefore be amended by deleting the numbers and words, "830,000 square feet (77 100 square metres) and replacing them with the numbers and words "850,000 square feet (78 965 square metres)". This change in no way affects the aggregate maximum densities proposed in the final report.

2. That the minimum required gross floor area to be used for street-related retail and service uses in Parts 1, 2, 3, 6, and 8 be reduced from 22,000 square feet (2 044 square metres) to 18,000 square feet (1 672 square metres); and that the minimum requirement for Parts 1, 2 and 3 be reduced from 6,500 square feet (604 square metres) to 6,000 square feet (557 square metres).

   These requirements for street-related retail and service uses are set out in Recommendation 1 (vii) of the final report. They were derived from the proposed ground floor plan and apparently the calculations included space which is intended for retailing but is not "street-related" by definition, and therefore should not have been counted. The revised numbers exclude such space and should be substituted for the original numbers in Recommendation 1 (vii).

3. That the minimum required office gross floor area of 28,000 square feet (2 600 square metres) to be reserved for development along Harbour Street on Parts 4 and 8 be reassigned as 22,002 square feet (2 044 square metres) of residential space and 5,985 square feet (556 square metres) of office space.

   At the time of the final report, it was understood that the applicant proposed to face the parking garage along Harbour Street with office uses when the Harbour Street ramp is removed. Accordingly, Recommendation 1 (viii) would require 28,000 square feet of the total gross floor area permitted in the project to be reserved for this purpose. The applicant since advises that the intent is to develop primarily housing with a small component of office space in this location. This approach is acceptable, and I propose that Recommendation 1 (viii) be revised as requested.

4. That the minimum required height on Part 5 be reduced from 45 feet (13.72 metres) to 28 feet (8.53 metres).

   Map 1 contained in Appendix B to the final report specifies a minimum height of 45 feet for the project's central podium, designated as Part 5 thereon. This area is to accommodate an above-grade parking structure with a landscaped deck on top. The applicant now advises that more parking than originally expected can be provided below grade, therefore the height of the parking structure may be reduced. In order to permit this, the minimum required height specified on Map 1 would have to be reduced as requested by the applicant. Such a change is reasonable and should be made.

5. That the required set back for parking facilities from exterior walls be reduced from 35 feet (10.67 metres) to 25 feet (7.62 metres).

   The applicant has requested that Recommendation 1(xviii) be modified as noted since residential units will be constructed between the parking structure and the street in certain locations, and such units may have a minimum depth of 25 feet in some instances. Given that the proposed reduction in the set back requirement does not affect the design objective of hiding parking from the street, I propose that Recommendation 1 (xviii) be so modified.

   In addition to the foregoing changes put forward by the applicant, the Commissioner of Public Works, in a letter dated March 8, 1984, suggests that loading facilities for the project be provided in compliance with the Central Area Parking and Loading By-law (By-law 236-83, as amended) rather than according to a predetermined fixed requirement as set out in Recommendation 1(xvi) of the final report.

   This approach would allow the number and type of loading spaces to be determined when the project is designed in detail, and thereby ensure that such facilities are provided in strict accordance with the final use/gross floor area breakdown. I agree with the Commissioner's suggestion and propose that Recommendation 1 (xvi) be deleted and replaced with the following: "that loading is provided in compliance with the standards set out in By-law No. 236-83, as amended;".

A further change to my report which I would suggest pertains to the minimum height of 10 feet (3 metres) which is specified for the colonnade in Recommendation 1(xii). Further review of the proposal indicates that a minimum height of 12 feet (3.64 metres) would be more appropriate in terms of the other dimensions of the facility. This height also corresponds more closely to the probable height of the commercial space which will adjoin the colonnade. The applicant is in agreement with this proposed revision.

The foregoing changes to the recommendations set out in my final report on Application No. 1629 have been incorporated in the draft zoning by-law respecting 10 Bay Street for which public notice has been given and which is now before your Committee.

Very recently, the applicant has requested a further change to the proposed by-law in the form of a reduced set back requirement from Bay Street for the northerly office tower. Map 1 contained in Appendix B to the final report would require a set back of 30 feet (9.1 metres). The applicant wishes to have this reduced to 20 feet (6.1 metres) in order to accommodate a tower with a larger floor plate within the zoning envelope. Such a change is of little significance in terms of urban design, and I propose that Map 5 and the proposed draft by-law be amended accordingly.

I would also recommend an additional change to the draft zoning by-law which would more accurately give effect to the parking facility set back requirement discussed above and set out in Recommendation 1 (xviii) of my final report. As now worded, Section 2(1)(b)(xiv) of the proposed draft by-law would permit exposed parking to be constructed along the westerly boundary of the site and along the easterly end of Harbour Street. The intent of the Recommendation is clearly to preclude this from occurring, therefore the aforesaid Section should be revised.

Recommendations:

1. That the foregoing proposed amendments to Recommendations 1(i), (vii), (viii), (x), (xii), (xvi), and (xviii) of my final report (March 2, 1984) on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street, be approved; and that the report, as amended, be recommended to Council for adoption.

2. That Section 2 (1)(b)(xiv) and Schedules 1 and 2 of the proposed zoning by-law respecting 10 Bay Street be amended to give effect to the foregoing and that the same be recommended to City Council.

The Committee also submits the communication (May 7, 1984) from the Chairman, Toronto Redevelopment Advisory Council:

The Scotia Plaza development is to be considered by City Council's Land Use Committee at a public meeting on May 16, 1984. The Toronto Redevelopment Advisory Council (RAC) comments on the proposal are hereunder.

At the outset, we can say that the RAC interposes no objection to the proposal as outlined in the report of the Commissioner of Planning and Development dated March 2, 1984. We have noted that the overall density on the lands comprising the Scotia Plaza project would be 16.1 times the area of the site. Although this amount is in excess of that currently permitted in the Official Plan, we should like to remind City Council that, in our view, the Financial District downzoning from 12 times coverage authorized in the Central Area Plan was unjustified.

We are supportive of the exemptions provided for buildings designated as being of architectural or historic merit, and we recognize the public interest which is being served by the transfer of densities between Scotia Plaza and Waterpark Place.

The RAC is mindful of the results of the wind study which show that the building does not exacerbate conditions for pedestrians at street level; the extension of the pedestrian concourse to provide all-weather protection is particularly helpful.

While the proposed Scotia Plaza at 16 times coverage is greater than the office buildings built in the Financial District in the 1960's and 1970's at 12-13 times coverage, it is only 15 per cent greater than the recently completed Renaissance Plaza at Bloor and Avenue Road. Moreover, because floor space per worker has been steadily increasing during the past decade, the total number of workers likely to be employed in a building at 16 times coverage is about the same order of magnitude as that in a building of 12 times coverage in the 1960's.

The RAC has long believed that it is more efficient for the business community to operate in a compact setting and accordingly believes that the proposed Scotia Plaza will prove to be an admirable addition to the mix of commercial buildings serving the Toronto community.

Although the RAC interposes no objection to the Scotia Plaza proposal, this proposal raises the issue of the total density which should be allowed for buildings within the Financial District. It is clear from discussions with RAC members that it would be preferable for some limitation to be placed on the total density allowed and that the criteria for density which is in addition to that as of right be clearly set out.

The Committee also submits the communication (May 16, 1984) from Mr. John B. Conlin, Gardiner, Roberts:

Re: Draft By-Law Re Waterpark Place Application 1629

On May 14th, on behalf of our client, I delivered a letter indicating a request I proposed to make of the Land Use Committee for modification of the draft By-Law applicable to Waterpark Place.

In place and stead thereof, in order to afford flexibility for future construction of the residential component of the development to permit its best siting, our client will request the Land Use Committee to recommend a modification of the set-back requirements of the aforesaid draft By-Law to delete certain words therefrom so that Subsection 2(1)(b)(xi)(cc) will read thereafter:

(cc) "7.5 metres either to a wall or to the southerly 38 metres of the westerly limit of Part 8 shown on Plan 3 contained in the aforesaid Schedule 1".

A copy of this letter is being delivered to the Commissioner of Planning and Development.

The Committee also submits the communication (May 15, 1984) from Mr. Stephen Diamond, Diamond, Fairbairn, Shapiro and Steinberg:

Re: Waterpark Place

We are the solicitors for York Condominium Corporation 510, one of the Harbourfront condominiums.

Our client has reviewed the Official Plan amendments and rezoning proposed for Waterpark Place and wish to advise that they have no objection in principle to the density transfer that is proposed.

Nevertheless, as the overall density will reach 10.1 times the area of the lot, our client would like to express their concern over the congestion that could result from poor traffic circulation and parking arrangements. Even the Planning staff have indicated that further reviews in this area are necessary. Our client is also concerned that the siting of the buildings take place in such a fashion so as not to obstruct the views of the residents as far as possible.

We would appreciate it if you would keep us advised of all hearings and proceedings with respect to this application.

The Committee also submits the communication (May 16, 1984) from Mr. John B. Conlin, Gardiner, Roberts:

Re: Scotia Plaza and Waterpark Place Official Plans & By-Laws

At the Public Meeting to convene before the Land Use Committee on May 16th at 2:30 p.m., technical amendments to the drafts of Official Plan Amendments and By-Laws required to accommodate the development approved at the Land Use Committee Meeting on March 7th will be put forward.

Amendments Required

(1) An amendment to the draft Official Plan Amendment applicable to 20 King Street West so as to reletter the paragraphs -

(c) becomes (a).

(a) becomes (b).

(b) becomes (c).

(d) new - in the terms set out on Schedule I herewith to be inserted.

(2) An amendment to draft By-Law applicable to 20 King Street West to -

(a) add to Section 1, paragraph (d) and to recast the former paragraph (d) as set out on Schedule II herewith.

(b) add to Section 2 a reference to the provisions of Section 2(64) and 4(14) of By-Law 20623.

(c) reletter subparagraph (c) of Section 3 as subparagraph (d) and add thereto a new paragraph (c) as set out on Schedule II herewith.

(3) An amendment to the draft Official Plan applicable to Scotia Plaza development lot by reducing the maximum amount of permitted non-residential gross floor area to 210,191.2 sq. m.

(4) An amendment to the draft By-Law applicable to Scotia Plaza lot by -

(i) adding in Section 3 a reference to Section 2(64) of By-Law 20623, and

(ii) reducing the aggregate amount of non-residential gross floor area permitted on the development lot to 210,191.2 sq. m., and by reducing the amount of non-residential gross floor area permitted on Area C to 153,657.6 sq. m., and

(iii) amending Section 3(c) of the said By-Law to add thereto the following language:

> "...and provided further that the height limit shown on the aforesaid Map 2 for Area C shown on the aforesaid Map 1 may be exceeded by the height of one or more stair towers and elevator shafts which are not higher than the sum of the height limit plus 3 metres".

A copy of this letter is being delivered to the Commissioner of Planning and Development.

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Schedule I

(d) Notwithstanding Section 10.18 of this Plan, By-Laws may be passed applicable to the lands to which this Section applies, to permit a portion of a building or structure which is or is to be connected to a building or structure erected or to be erected on the lands to which Official Plan Amendment (insert No. of Scotia Plaza (OPA) applies, to be erected and used on the lands comprising the aforesaid Part 1, whether or not such portion is connected above or below grade to the building erected on the lands to which this Section applies; provided that such portion does not contain more than 71.65 sq. m. of non-residential gross floor area.

—

Schedule II

1. (d) the erection and use of a portion of a building or structure containing not more than 71.65 sq. m. of non-residential gross floor area which is or is to be connected to a building or structure erected or to be erected on the lands to which By-Law (insert No. of Scotia Plaza Zoning By-Law) applies, to be erected and used on the lands comprising Part 1 shown on Plan of Survey of Record 63R3102 deposited in the Registry Office for the Registry Division of Toronto (No. 63), whether or not such portion is connection above or below grade to the building erected on the lands to which this By-Law applies;

provided no fewer than 26 parking spaces, 2 loading spaces - Type B and 2 loading spaces - Type C are provided are maintained either on the lands to which this By-Law applies or on the lands to which By-Law No. (insert reference to Scotia Plaza site-specific Zoning By-Law) applies.

3. (c) "lot" means the lands to which this By-Law applies, regardless of ownership and any conveyances which are made after the date of enactment of this By-Law.

The Committee also submits the communication (May 16, 1984) from Alderman Layton:

Re: Scotia Plaza/Waterpark Place

The following points relate to the two projects proposed by Campeau for Scotia Plaza and Waterpark Place.

1. As yet there has been no adequate response to the questions which I have raised concerning the impact of the proposed additional commercial densities at Scotia Plaza. The additional employees on the site (variously reported as numbering 5000 to 6500) will have to be transported to the site somehow. If 80% of them use public transit, at least 3 and perhaps 4 full subway trains will be required to accommodate them.

Recommendation No. 1

That the TTC be asked to report on the capacity and operational issues related to the proposed Scotia Plaza Development prior to the adoption of the By-Laws relating to this project.

2. The densities which should be approved for this site should be limited to the following:

A. The as-of-right densities under the official plan, 8 times coverage.

B. The maximum historic preservation bonus under the official plan, 2 times coverage.

This leads to a maximum density of 10 times coverage, and this is the most which should be approved.

The following elements of the proposed density of 16 times coverage should not be included:

C. The density attributed to lanes and streets to be closed.

D. The apparent double-counting of density on the Royal Bank lands (20 King St. West and 11R Adelaide).

E. The density transfer from Waterpark Place (this transfer is far beyond anything contemplated in official plan statements).

F. The excess historical bonus.

Recommendation No. 2

That the Commissioner of Planning be requested to report on a development for Scotia Plaza which contains densities outlined in A and B above and that the densities outlined in C, D, E and F above be excluded from further consideration.

3. In exchange for the massive densities requested by the developer, the City has been offered two benefits: a site for assisted housing (Biltrite) and a workplace daycare centre for 50 Children. The Biltrite site is to be purchased by the City using funds from the sale of lanes to Campeau. This is not a "donation" from the developer. The day-care centre will be operated under daycare programmes funded by governments and, while very beneficial, is of limited financial burden to the developer.

Given that the value of the benefits to be received by the developer as a result of the additional densities are huge (estimated variously from $50 million upwards), the benefits received are insufficient.

The City should demand more from this developer. It is proposed here that the developer be required to deliver to the City a completely constructed housing project on the Biltrite site, at nominal cost, to be operated as a non-profit housing project by the City.

Recommendation No. 3

That the densities outlined in the Report from the Commissioner of Planning dated March 2, 1984 only be approved on the condition that the applicant construct and deliver to the City of Toronto, at nominal cost, a housing project on the Biltrite site consisting of 150 - 200 units of housing and designed in conjunction with the City of Toronto Housing Department; this housing project to be operated by the City as a non-profit housing project; and that the Commissioner of Planning and the Commissioner of Housing be requested to report on an implementation plan for this arrangement.

The Committee also submits the communication (May 16, 1984) from Mr. J. Edgar Sexton, Osler, Hoskin and Harcourt:

Re: Scotia Plaza and Waterpark Place

We are solicitors for The Toronto-Dominion Bank (the "Bank").

The Bank has been following the proposals for the redevelopment of the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street (the "Block") for several years. It is now proposed that this Block be redeveloped as the site of the new head office of the Bank of Nova Scotia (the "Project"). The Project, to be called Scotia Plaza, is to be built by the Campeau Corporation ("Campeau"). This public hearing on Campeau's application is the first opportunity which the Bank has had to publicly state its concerns with regard to the Project.

The Bank does not object in theory to downtown redevelopment. The Bank has sponsored or participated in a number of major developments in downtown Toronto and will undoubtedly sponsor or participate in many more in the future. The Toronto-Dominion Centre, on which construction began approximately 20 years ago is the corner stone of the redevelopment of Toronto's financial core. Since the completion of the first two towers of the Toronto-Dominion Centre, Commerce Court, First Canadian Place and the Royal Bank building have been established. The Bank has welcomed all of these additions to the financial core and has made no impediment whatever to their construction. The proposals brought forward for the construction of Scotia Plaza raise, however, a set of problems which must be examined.

The Bank's Lease Of 25 Adelaide Street West

Proposals for the erection of Scotia Plaza were initially taken before the City of Toronto Planning Department in 1982. The matter apparently lay fallow for some time and was revived again late last year. Since that time the application has been pushed forward with some urgency. As you know, the "ground breaking" for the Project has already taken place.

The Bank feels that it must point out to the Land Use Committee that it holds a lease in a portion of the building at 25 Adelaide Street West which cannot be terminated until 1996. The lease can only be terminated at that time if the landlord intends to redevelop the property. (It is interesting to note that when the owner of 25 Adelaide Street West entered into the lease with the Bank it specifically considered the possibility of the Block being redeveloped. The owner's timing was wrong but the Bank was very careful to secure the stability of its Adelaide Street Branch.) This lease has not been surrendered to either Campeau or to Scotia Realty Limited, the present owner of the building. The lease infringes on space required for the new Scotia Plaza tower which is now before you for consideration. Until the lease is terminated the Project as presently conceived cannot go forward.

The Bank advised the Commissioner of Planning of its rights in the building at 25 Adelaide Street West two weeks ago. Until that time, apparently, Campeau had made no mention whatever to the City or its officials of the fact that the site of the proposed development had not been fully acquired.

Some Planning Concerns

As already noted, the Bank, in general, regards the redevelopment of the urban fabric as not only desirable but also necessary. Finding itself in the position of an objector to a redevelopment is both unusual and uncongenial. The Scotia Plaza proposals do, however, force the most serious reconsideration of some of the principles on which planning has gone on in Toronto's financial core. In particular, the Bank wishes the Committee to consider whether these proposals are wise, in the long range view, or equitable as between the other land owners in the downtown core. The Bank wonders whether the precedents which these proposals establish can be used in future redevelopments. Is the City going to remain faithful to the principles of the Official Plan and zoning by-law or will its planning guidelines simply be bargaining points to be traded off in development negotiations.

The Question Of Equity

It is a general principle that in planning matters similar land owners should be given similar treatment. The problems which an ad hoc approach to planning can create have been condemned for years in the "spot-zoning" cases. The treatment of the Scotia Plaza proposal suggests that a series of principles have been created in favour of Campeau and the Bank of Nova Scotia which were not available to any other of the developments in the neighbourhood. The Scotia Plaza proposal will reach a total density of 16 times coverage. As the planning reports show, the Toronto-Dominion Centre, Commerce Court and First Canadian Place have all fitted into a regime calling for approximately 12 times coverage.

The 16 times coverage for Scotia Plaza arises out of a transfer of commercial density from Waterpark Place and a bonus of commercial density for the preservation of the existing Bank of Nova Scotia building and other historic buildings. Under the proposal 51,018 square meters of non-residential gross floor area in the historic buildings will be "bonused" in the Project while an additional 55,000 square meters of non-residential gross floor area is to be transferred to the Scotia Plaza site from Waterpark Place. These figures total 101,253 square meters, or 1,890,913.8 square feet, of extra density for which Campeau and the Bank of Nova Scotia are requesting authorization from the City. This figure should be kept in mind in light of the fact that the Planning Department has been advised that a commercial density transfer on Wellington Street between two parties acting at arm's length has recently been arranged at a price slightly in excess of $73.00 per buildable square foot. Neither the bonus for the historic and architecturally important buildings on the site nor the proposed transfer of commercial density accords with existing City policies. The result of the new principles applied to the Bank of Nova Scotia development appears to be a windfall gain to Campeau. The transfer of commercial density alone would command a price in the market place of over $40,000,000.00. The answer that Campeau is simply moving around commercial density that it owns elsewhere must be rejected. In 1982 the Commissioner of Planning pointed out to this Committee in his report on the Bank of Upper Canada Density Transfer that the distance which densities are moved will have an enormous effect on their market values.

The Question Of Precedent

The question of equity between similar land owners is, in effect, one of past treatment. Where others have been forced to abide by the rules why should not Campeau? Equity in future treatment is, of course, a question of precedent. Can the City treat all developers with the generosity accorded to the Scotia Plaza proposal? Consider the following two aspects of this application.

The transfer of commercial density from Queen's Quay (Waterpark Place) to King Street carries that density across the boundaries of a zone and creates a level of commercial usage in the core which had not been planned for. Other density transfers have crossed zone lines. The first of such transfers was, we believe, the transfer of commercial density from the Bank of Upper Canada site on Adelaide Street East to the now vacant site at the foot of University Avenue. The second such transfer was the transfer of commercial density from the Wintergarden Theatre on Yonge Street north of Queen to a vacant site on Wellington Street at York. In both of those instances the justification for this extraordinary action was the fact that the buildings enjoying the unused commercial density, the Bank of Upper Canada and the Wintergarden Theatre, were of unquestioned historic significance and of national importance.

As we have already noted, even in those circumstances, the density transfers were strongly criticized. In reviewing the Bank of Upper Canada transfer, the Commissioner of Planning made the following comment:

> "Council has made the distinction that (the Bank of Upper Canada) site has previously been dealt with 'in a most extraordinary fashion' and should therefore be subject to even further extraordinary treatment. This does not constitute a planning rationale but rather indicates Council's opinion of the importance of these particular historic buildings. In my opinion, this distinction does not provide adequate basis for justifying an amendment which is inconsistent with the policies of the Official Plan".

What justifies Campeau's amendments to the Official Plan? Commercial density is being taken from a vacant lot in a relatively commercially inactive portion of the City and crowded into the downtown core. What matters of national significance are being preserved thereby? How often can the precedent be used? Is commercial density to be imported into downtown Toronto from Riverdale, Parkdale or Rosedale in return for residential density?

A second problem of precedent is the bonus to be given for the preservation of the existing Bank of Nova Scotia building. This building, which was constructed in 1951, is to be preserved because of its "architectural significance". The original designs for the building were done by John M. Lyle in 1931. Leaving aside the admittedly subjective area of aesthetic judgement, it might well be argued at a later date that Mies Van Der Rohe was at least as significant an architect as John M. Lyle and that the Toronto-Dominion Centre, an authentic and faithful reflection of the Van Der Rohe style, is an important contribution to the City's architectural heritage. Could the City in the face of the Scotia Plaza precedent refuse to grant a bonus for all of the Toronto-Dominion Centre's density should some new development come forward which could make use of the lands? Surely, the same argument would go for I. M. Pei's Commerce Court development.

The Commissioner of Metropolitan Planning makes exactly the same point in the report before you.

> "We note that the Toronto-Dominion Centre, First Canadian Place and Commerce Court have approximately floor space indices of 11.8, 12.0 and 13.7 respectively. Each of these developments has architectural merit and in the future will be recognized as historically significant. Theoretically, the equivalent bonus system could result in an average floor space index of about 20 on those three sites. While probability of redevelopment of those sites is in no way contemplated at this time, we nevertheless suggest that unforeseen economic and market pressures of the future may completely upset today's logic. We must therefore examine any precedent which may be established by the proposal".

Keeping Faith With The Official Plan

It must be remembered that the density transfers and density bonuses which Campeau lays claim to are a direct repudiation of the purposes which the Official Plan was set out to achieve. Transferring residential density out of the financial core only exacerbates the single use blight which the Official Plan had intended to cure. The core area is not made vital in non-business hours by these transfers, the transportation problems created by continual commuting to the financial core are not addressed by these means, the decentralization of commercial usages is implicitly rejected as a planning goal. Is there anything at all in the City's planning documents which cannot be bargained away?

Indeed, the entire rationale for this extreme density of development is somewhat elusive. The new building is to contain a total of 450 parking spaces. 26 of these 450 parking spaces will replace 26 surface spaces now used by the Royal Bank building. The balance of the spaces will have to serve the new tower and the existing Bank of Nova Scotia building (which has no parking of its own). How are workers and clients to come to the building? If the design of the building requires the use of mass transit can the subway line handle the extra pressure? If parking garages on this periphery of the core are to be used, have they been planned for? The new building (as well as the existing Bank of Nova Scotia building, and the existing Royal Bank building) will receive truck shipments from Adelaide Street through the use of a truck elevator, the same system as is used for First Canadian Place. Can Adelaide Street stand the extra traffic.

Conclusions

(a) Scotia Plaza cannot be constructed in the form contemplated by the documents before the Committee until the lease held by the Bank on the premises at 25 Adelaide Street West has been terminated. The landlord does not have a right to terminate this lease until 1996. The present application need not be regarded as a matter of urgency until it can be shown that this problem has been dealt with.

(b) The Bank objects to the proposed redevelopment on the basis that it creates an inequitable advantage for Campeau and the Bank of Nova Scotia. The density bonuses and transfers upon which it depends are of enormous economic advantage to the developer but are not justified by any countervailing advantage to the City.

(c) The principles which it is proposed that the City adopt with regard to the Scotia Plaza density transfers and architectural bonuses would be of enormous impact if adopted with regard to other developments in the downtown area. The precedent being established is potentially extremely dangerous.

(d) The entire proposal amounts to a rethinking of, and rejection of, the goals of the City of Toronto Official Plan and zoning by-law.

(e) The implications which this proposal will have for mass transportation, traffic and other commercial development in the downtown core should be very carefully considered.

The Bank recommends that the Land Use Committee refer the Scotia Plaza proposals back to the planning staff for further study.

The Committee also submits the communication (April 18, 1984) from James "Dave" Johnson, Business Manager, Toronto - Central Ontario Building and Construction Trades Council:

It is my understanding that this project will be on the agenda for your Committee Meeting May 16th, 1984.

It is also my understanding that Campeau Corporation is ready to start construction on this site as early as June, 1984 if the project is approved by then.

On behalf of the 11,800 (29%) unemployed skilled trade workers we represent, I cannot overemphasize the urgent need for an early approval of this project and I would urge you and your colleagues to give it your unanimous support at the May 16th, 1984 meeting.

Unemployment is the most critical issue facing us today. Help to alleviate this crisis by supporting job creation.

The Committee also submits the fact sheet from Alderman Jakobek:

Toronto Dominion Centre Fourth Tower

Corporation Co-owners include:

Cadillac Fairview Corporation and The Toronto Dominion Bank

1978 OMB granted modification to Central Area Plan provisions to permit 12.0 x, instead of 8 times, office tower on 79 Wellinton Street West - Granted.

1982 OPA approved to expand development lands above and include adjacent lands at 85 Wellinton Street West and combine density on new lot: 12 x from 79 Wellington Street West plus 8 x from 85 Wellington Street West.

1984 Committee of Adjustment variance and Amendment to Development Agreement approved:

- to increase height limit by 26 feet; and

- to add additional 35,845 sq. ft. for health club penthouse

Eaton Centre

Corporation Co-owners include:

Cadillac Fairview Corporation Ltd (40%)

Eaton Properties Ltd. (T. Eaton Co.) (40%)

Terbert Investment Properties Ltd. (real estate investment company of TD Bank) (20%)

Central Area Plan Amendments to Official Plan (1976-78):

- Co-owners applied for exemption to Central Area Plan and By-law as owners of Phase II and Phase I of Eaton Centre
- City exempted Phase I
- Co-owners claimed that as Phase I is exempt from provision of Plan, exemption should also apply to Phase II.

OMB Decision (1978):

Phase I: OMB reaffirmed 12 x commercial coverage permitted.

Phase II: OMB, with City's consent, modified the Central Area Plan provisions from proposed High Density Mixed Commercial Residential, and zoning of 4.5 non-residential gross floor area, 7.8 mixing formula constant to permit:

- 6.5 non-residential gross floor area (provided at least 366 housing units constructed, of which at least 100 are assisted);
- 9.8 mixing formula constant

1982:

Amendments to Official Plan and to Phase II Zoning By-laws and related agreements. Co-owners applied for the transfer of 1,100,000 sq.ft. of residual density in Phase I to be transferred to Phase II lands. This required:

- combining for zoning purposes density of Phase II, Phase I and Holy Trinity lands, so that a hotel of 300,000 sq.ft. and office of 1,500,000 sq.ft. can be built on Phase II lands;
- relocating housing requirement off-site; and
- relocate park.

City and OMB approved:

- transfer of density requested by co-owners; i.e., 1.1 million sq.ft. from Phase I to Phase II;
- transfer of an additional 222,555 sq.ft. non-residential gross floor area from off-site housing sites (Elizabeth/Chestnut and Victoria/Shuter) to be allocated to Eaton Centre lands;
- historic building bonus for Holy Trinity Church; and
- maximum floor area permitted for the Eaton Centre block (including Phase I and Phase II) is 7,199,202 sq.ft. (668.806 sq.m.).

The Committee also submits the communication (June 7, 1984) from M. A. Hasley, President, The National Club:

Today, the National Club held its 109th Annual Meeting. For all of these years, the National Club has been part of the fabric of the downtown financial community and plans to remain so.

Last summer, under the provision of the well-thought-out by-laws of the City, the Club sold its density rights to the Bank of Nova Scotia/Campeau project. In conjunction with the sale the Club agreed with the City to retain the facade and facilities of the Club.

The National Club is intimately aware of the Bank of Nova Scotia/Campeau project and 'identifies' with the development and urges City Council to give the necessary approvals for the development.

The Committee also submits the communication (June 18, 1984) from William Roberts, Barrister and Solicitor, for the Confederation of Resident and Ratepayer Associations:

On behalf of myself and CORRA, I ask that we be informed of the decision of City Council in regard to the above two matters.

We still object to the proposals on the grounds that they represent bad planning and dangerous precedents for the future fo the City as a whole.

We remain concerned about the transfer of a bonus residential density from Scotia Plaza to the Campeau area - a density which only exists if you locate it in the Central Area. We remain concerned over the density transfers of such great distance. We do not agree with the amount of density which Scotia has been granted for preserving the present bank building. For those reasons we object to the proposal.

We further object to the proposed densities as not being in keeping with the actual wording of the Official Plan, let alone its spirit. We view with concern the density since we view it as regenerating pressures for expressways which will destabilize area such as Ward 9, Swansea, Parkdale and the Annex.

We do not believe adequate transportation studies have been done given the implications of the densities being reached for the Scotia Plaza. If the precedents set now are continued the growth potential for the Central Area will be much greater than that assumed when the Central Area Plan was adopted. Consequently, we are concerned that the ceiling for development will have to be altered which will require further transportation connections than envisaged.

Under the circumstances we have no recourse but to file this formal objection and request for notification of decision.

The Committee also submits the communication (June 20, 1984) from Sydney Hermant, Chairman, Toronto Redevelopment Advisory Council:

This is further to our letter of May 7, 1984.

All of the members of the Toronto Redevelopment Advisory Council (RAC) are strongly supportive of a policy which would allow Scotiabank to build a prestigious major bank tower on the Scotia Plaza site. The total area of the Scotia Plaza site is some 13,060 square metres (lot area).

The proposal currently before City Council consists of:

a) a new bank tower at 11.7 times the lot area.

b) 44 King Street West Building at 3.8 times the lot area.

c) National Club, Cameron Jeffries building at 0.37 times the lot area.

d) a new office building on Adelaide St. at 0.25 times the lot area.

This totals 16.1 times the lot area. It is recognized that 16 times the lot area is clearly in excess of that permitted in the Official Plan, and our letter of May 7 urged that City Council adopt a policy placing a limitation on total density and that criteria for density to be allowed in addition to that as of right be clearly set out. On May 16 solicitors for the Toronto Dominion Bank entered a formal objection to the Scotia Plaza proposal on several grounds, one of which was that it was in excess of development currently permitted by the Official Plan.

It can be observed that City Council has in the recent past approved many development projects which are of a greater density than a rigid interpretation of the Official Plan allows. Each one of them, after public discussion and debate within Council, was considered to be in the public interest in that the extra density achieved an objective desired by City Council: the provision of workplace daycare; the provision of a gallery for Inuit art; the removal of commercial density from the Wintergarden Theatre (outside the Financial District); the removal of commercial density from the Bank of Upper Canada (outside the Central core). The RAC interposed no objection to these decisions other than the Wintergarden transfer. In that case the objection was on the basis of the traffic obstruction that would ensue; after discussions with the architect who then redesigned the building the objection was not pursued (it has in any event now become part of the Toronto Club addition and further design is in progress).

As we have already noted the RAC members attach major importance to Scotiabank proceeding with the erection of a prestigious new bank tower and consequently after the objections of the Toronto Dominion Bank were publicized had further discussions.

The Chairman of T-D Bank has been kind enough to give us his considered views in the letter attached. This would accommodate the erection of a new Scotiabank tower and the retention of the designated buildings, Cameron Jeffries and the National Club totalling some 12 times coverage. It would also accommodate the demolition of the present Bank of Nova Scotia after completion of a new tower in the same sequence that the Bank of Montreal building across the street was demolished after First Canadian Place tower was erected. Moreover, the RAC supports and endorses the statements fo principle enunciated by Mr. Thomson in the attached letter and particularly associates itself with the statements of concern raised in this last paragraph which clearly reinforce the RAC views outlined in the last paragraph of our May 7 letter. In light of Mr. Thomson's views which reflect a desire for constructive compromise, this latest proposal would be acceptable to us.

(Communication (June 8, 1984) from Richard M. Thomson, Chairman and Chief Executive Officer, The Toronto-Dominion Bank addressed to John W. P. Bryan, Executive Officer, Toronto Redevelopment Advisory Council)

This is further to my letter of June 1st, 1984 which was addressed to members of the Toronto Redevelopment Advisory Council.

It is apparent that there is some confusion regarding our views of the size of the new Scotia Bank tower that should be permitted to be built.

The Toronto-Dominion Bank welcomes the Bank of Nova Scotia's commitment to the Scotia Plaza project. However, we would have preferred that the Scotia Plaza project proceed in accordance with the existing Official Plan and zoning by-laws. The Bank's overall concern is that the rules governing developments in the financial core should be applied fairly to all landowners and in accordance with principles which will permit the best future development of the area. If bonuses similar to those accorded to the Scotia Plaza project in its proposed form are permitted to other landowners in the financial core, the viability of this part of the City will ultimately be impaired.

While The Toronto-Dominion Bank's objections are on matters of principle, we would consider that construction of the Scotia Plaza development at 12 times coverage would be an equitable compromise, having regard to the densities enjoyed by the other major competing banks. This would preserve the financial district precinct with no height limits, would provide a major bank tower in each quadrant of the King and Bay intersection and would attest to Toronto's status as a world financial centre.

I should like to reiterate our concerns relating to historic bonuses and density trnasfers and urge that limitations more in keeping with the overall spirit of the Central Area Plan be imposed.

The Committee also submits the report (June 7, 1984) from the City Solicitor:

Subject: Acquisition of 21 Princess Street

Origin: Clause 49, Executive Committee Report No. 12 as amended and adopted in Council April 16, 1984 and Clause 32 of the Land Use Committee Report No. 11 as amended and adopted in Council May 28, 1984 (c06luc84103:167)

Comments: The Critical Path adopted pursuant to the above-mentioned Clause 32 indicates that I am to report on the status of ownership of 21 Princess Street. The importance thereof arises out of a recommendation adopted by Council pursuant to the above-mentioned Clause 49, which recommendation reads as follows:

"That Council take the position that no bills in respect of the official plan amendments or the zoning by-laws for Scotia Plaza, Waterpark Place or the Royal Bank site be introduced in Council until Council is satisfied that Campeau Corporation is the registered owner of the Biltrite site."

Registry Office records reveal that a deed from Sherkin Holdings Inc. to Campeau Corporation in respect to 21 Princess Street was registered on the 18th day of May, 1984 as Instrument No. CT662425.

The Committee also submits the further report (June 22, 1984) from the Commissioner of Planning and Development:

Subject: Report on Outstanding Matters, Further Requests, and Comments by Concerned Parties Respecting Scotia Plaza, Application No. 1633 - Ward 6.

Origin: Commissioner of Planning and Development upon requests by the Land Use Committee of March 7 and May 16, 1984 (c71luc84323:46)

Comments: This report is organized under the following headings:

1. Summary
2. Background
3. Outstanding Matters
    3.1 Reports required by Final Report, March 2, 1984
    3.2 Further Requests
    3.3 Matters Approved by Council
    3.4 Separate Reports
4. Number of Employees
5. Transportation Impact
6. Pedestian Facilities
7. Daycare
8. Closing and Conveyance of Johnson Street
9. Economic Benefits
10. Comments by Concerned Parties
11. Master Agreement
12. Waterpark Place

Separate reports respecting Development Review for Scotia Plaza, Heritage Easement Agreements for the historic buildings, and revisions to the proposed by-laws are being submitted to your Committee for consideration at the special meeting on Scotia Plaza scheduled for June 26, 1984 at the same time as this report.

1. Summary

This report reviews the outstanding matters respecting Scotia Plaza as required by my March 2, 1984 report and my further reports. My March 2 final report on Scotia Plaza outlined numerous matters to be reported on further before final consideration by Land Use Committee of the proposed amendments to the Official Plan and Zoning By-law and necessary related agreements for Scotia Plaza and Waterpark Place. Since that time, 14 further reports respecting this matter have been submitted for consideration by your Committee, Executive Committee, Neighbourhoods Committee and City Council. Certain further reports are required because of the recommendations contained in these various reports and/or because of the actions of the Committee or Council on these matters.

This report also reviews and comments on the comments made by concerned parties to the Land Use Committee at the May 16 public meeting of the Land Use Committee and by the Commissioner of Planning for Metropolitan Toronto on the proposed amendments to the Official Plan and Zoning By-law.

This report recommends that your Committee adopt this report and my separate reports thereby recommending that City Council approve the draft by-laws and authorize introduction of the necessary bills for the proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place and related agreements, subject to satisfying the recommendations of this report.

2. Background

On March 7, 1984, my final reports on Scotia Plaza and Waterpark Place recommending proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza and proposed amendments to the Zoning By-law for Waterpark Place were before your Committee. Your Committee decided, among other things, that the public meeting required by the Planning Act for proposed amendments to the Official Plan and Zoning By-law would be held prior to the settlement of all the necessary agreements referred to in my March 2, 1984 reports.

On May 16, 1984, after giving notice as required by the Planning Act, the Land Use Committee held the public meeting on the proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place. In addition to the proposed by-laws, my following reports containing information on the proposed amendments were before the Committee at that time:

- Final report on Scotia Plaza, dated March 2, 1984
- Final report on Waterpark Place, dated March 2, 1984
- Further report on Waterpark Place, dated May 4, 1984

Also before the Committee on May 16 were my following reports respecting Scotia Plaza and Waterpark Place:

- Critical Path for Scotia Plaza and Waterpark Place: Earliest Dates for Key Steps to Approval, dated May 14, 1984, which was referred by City Council on May 14, 1984 to the Land Use Committee for consideration on May 16, 1984
- Land Use Committee Item No. N, dated May 16, 1984

which recommended certain actions respecting the sequence to be followed by your Committee and by City Council for considering the key components of the proposed Scotia Plaza and Waterpark Place arrangements.

Your Committee adopted my May 14 Critical Path report and my May 16 report containing recommendations for actions by your Committee and by City Council with respect to the reports and by-laws before you at that meeting, including approval and recommendation to City Council of my Critical Path report. City Council on May 28, 1984 adopted my Critical Path report (LUC Report No. 11, Clause 32), my "Supplementary Report on the Critical Path", dated May 25, 1984, and amended the clause.

The effect of the actions of Land Use Committee on May 16 and City Council on May 28, combined, was to defer final consideration by the Land Use Committee of the proposed amendments to the Official Plan and Zoning By-law, as well as my reports dated March 2, on Scotia Plaza and my reports dated March 2 and May 4 on Waterpark Place, until the special meeting of the Land Use Committee scheduled for this purpose for June 26, 1984. The necessary further reports on the outstanding matters could be considered by your Committee at the same time. Council also scheduled a special meeting of City Council for June 28 to consider the report of the Land Use Committee from its June 26 meeting on Scotia Plaza and Waterpark Place.

3. Outstanding Matters on Scotia Plaza

3.1 Further Reports Required by Final report on Scotia Plaza, March 2, 1984

My March 2 report recommended that I report further on the specific matters set out in that report, in particular:

- Provision for Pedestrian Movement:
    - pedestrian tunnels below Bay Street and King Street;
    - pedestrian tunnel connecting to King Street subway station; and
    - improvements to King Street subway station.
    - Development Review
    - Parking and Loading for the Royal Bank
    - Heritage Easement Agreements for:
    - Wood Gundy Facade
    - National Club at 303 Bay Street
    - Upper Canada Bible and Tract Society
    - Bank of Nova Scotia Building
- Demolition of portions of certain historic buildings
- Proposal to close and convey the east-west lane, adjacent to the National Club
- Daycare
- Site for Housing
- Master Agreement and other necessary legal arrangements

My March 2 report recommended that the form of the necessary agreements respecting the outstanding matters outlined above and the outstanding matters outlined in my companion March 2 report respecting Waterpark Place should be approved by the relevant parties before City Council considers the proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place.

3.2 Further Reports Requested

In addition to the required further reports set out above, the Land Use Committee and City Council have requested me to report on the certain matters, as set out below:

Land Use Committee, March 7, 1984:

- Dismantling of the Wood Gundy Facade following first reading by City Council of the proposed amendments to the Official Plan and Zoning By-law.
- Detailed breakdown of retail space and commercial space and a calculation of the number of employees expected in Scotia Plaza.
- Impact of Scotia Plaza development on King Street Subway Station and on transit capacity to the site.

City Council, April 16, 1984:

- Discussions with Provincial Government respecting guidelines for daycare centres. (Neighbourhoods Committee Report No. 8, Clause 32)
- Source of funds for the purchase of 21 Princess Street by the City from Campeau, including status of proposed closing and conveyance of Johnson Street and a portion of the public lane on Scotia Plaza development lot. (Executive Committee Report No. 12, Clause 49)

City Council, May 28, 1984:

- Progress on implementation of critical Path (Report to Council, not later than June 11, 1984).
- Net economic benefits to Campeau Corporation, and respective benefits to the City of Toronto (Executive Committee Report No. 11, Clause 32).

City Council, June 11, 1984:

- Progress on Critical Path to June 25 Council.
- Impact of Official Plan Amendments for density transfers on the Official Plan.

I am also reporting in this report on the communications to the Land Use Committee by various parties which were before the Committee at the public meeting on May 16, 1984 and on the comments of the Commissioner of Planning for Metropolitan Toronto.

3.3 Matters Approved by Council

Certain matters which were identified as outstanding in my March 2, 1984 report have been the subject of further reports which have now been approved by Council:

3.3.1 Site for Housing

My report to Executive Committee entitled "Scotia Plaza: Site for Assisted Housing", dated April 6, 1984 was before Council on April 16, 1984. Council adopted my report dated April 6 (contained in Executive Committee Report No. 12, Clause 49), my further report dated April 16, and recommendations 2, 3 and 4 of the City Solicitor's report dated April 13, 1984 on this matter.

Council has approved the acquisition by the City of 21 Princess Street from Campeau Corporation, subject to the terms and conditions set out in my April 6, 1984 report and the City Solicitor's April 13, 1984 report. Conveyance of 21 Princess Street to the City is to occur after the completion of the sale of Johnson Street and a portion of the City lane to the applicants.

Section 8 of this report recommends that the City Solicitor report to Council on/or before Council considers the proposed amendments to the Official Plan and Zoning By-law on whether the sale has been completed.

Final closing of the sale of 21 Princess Street from Campeau to the City is to occur after final approval of the proposed amendments to the Official Plan and Zoning By-law for both Scotia Plaza and Waterpark Place.

3.3.2 Wood Gundy Facade

As requested by Land Use Committee on March 7, 1984, I reported to Land Use Committee on May 30, 1984 on the dismantling of the Wood Gundy facade in my report dated May 30, 1984 entitled "Relocation of the Facade of the Wood Gundy Building at 36 King Street West to Adelaide Street West in conjunction with the Scotia Plaza development". Council at its meeting on June 11, adopted Land Use Committee Report No. 12, Clause 18, containing the abovementioned report, and my supplementary report on this matter dated June 11, 1984 which contained recommendations respecting the dismantling storage and re-erection of the facade, a Heritage Easement Agreement for the Wood Gundy Facade, and a further agreement to reduce the permitted floor area of the development if the facade is not re-erected within 5 years.

Once the necessary agreements are executed and in the case of the Heritage Easement Agreements are registered against title, demolition of the Wood Gundy building and dismantling of the facade may proceed. City Council requested the City Solicitor to report to City Council on June 25, 1984 respecting certain requests made by Mr. John Conlin in his letter to the City Clerk dated June 8, 1984.

It has recently come to my attention that there is an inconsistency between the Wood Gundy facade agreement adopted by Council on June 11, 1984 and the proposed Heritage Easement Agreements for the Bank of Nova Scotia, National Club and Upper Canada Bible and Tract

Society (Dunfield) buildings. The unwinding provisions of these proposed agreements provide that if the amending by-laws are not passed by Council by December 31, 1984 the agreement is no longer in force. The Heritage Easement Agreement for the Wood Gundy Facade, which was passed by Council on June 11, 1984, contains the date December 7, 1984. This date should be amended to be consistent with the other proposed agreements, i.e., December 31, 1984.

I am therefore recommending that Council grant authority to amend the Heritage Easement Agreement for the Wood Gundy facade as adopted by Council on June 11, 1984 as Clause 18, Land Use Committee Report No. 12, by deleting the date December 7, 1985 in Section 12.1 paragraph (a) and substituting therefore the date December 31, 1984.

3.4 Separate Reports

I am submitting separate reports to your Committee on the following matters, which should be considered at the same meeting at which you give final consideration to the proposed amendments to the Official Plan and Zoning By-law, my final reports on Scotia Plaza and Waterpark Place, and this report on the outstanding matters:

- Development Review for Scotia Plaza
- Heritage Easement Agreement for Bank of Nova Scotia at 44 King Street West
- Heritage Easement Agreement for National Club at 303 Bay Street
- Heritage Easement Agreement for Upper Canada Bible and Tract Society at 102 and 106 Yonge Street
- Revisions to the proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza
- Amendments to the Building Scheme Agreement and other matters relating to Application No. 1629, Waterpark Place

4. Number of Employees

4.1 Background

The Land Use Committee on March 7,1984, in adopting my March 2, 1984 report, for which the Committee held their public meeting on the proposed amendments required under the Planning Act on May 16, 1984, requested that I report "on a detailed breakdown of the retail versus commercial space for this project and that a detailed calculation of the number of employees expected to be located in this space also be provided." This section of the report responds to that request.

4.2 Office and Retail Components

The permitted non-residential gross floor area for the Scotia Plaza development, as provided for in the proposed Official Plan and Zoning By-law Amendments for which the Land Use Committee held a public meeting, is 210 262.8 sq. m. (2,263,324 sq. ft.). Final consideration of the proposed by-laws was deferred on May 16, 1984 until the special meeting of the Land Use Committee scheduled for June 26, 1984.

The most recently revised drawings for the Scotia Plaza development show a total non-residential gross floor area of 209 315.6 sq.m. (2,253,128 sq.ft.). A portion of this amount, 10 283 (110,689 sq.ft.) is to be used for retail purposes. This amount of retail non-residential gross floor area includes walkways and mall areas which are used to provide access to the retail areas of the proposed development. The remainder of the total non-residential gross floor area 199 032.6 sq.m. (2,142,439 sq. ft.) is to be used for office purposes.

4.3 Total Potential Employment

The total potential employment projected to be generated by the office space component of the proposed development can be estimated using a floor space per worker (F.S.W.) factor in square metres. The F.S.W. currently being used by my department for these purposes is 25.8 sq.m. (277 sq.ft.) per employee. The total projected potential employment based on the above-mentioned

F.S.W. would be 7,714 for the office component of the Scotia Plaza development. When vacant office space and employee absentiesm are taken into acount, the projected average employment on a typical work day would be 6,390.

4.4 Net Increase in Employment

In considering the impact of the proposed Scotia Plaza development, the net increase in employment between what exists on the development lands prior to the proposed development and what will exist once the proposed development is completed is of significance. These figures can be summarized as follows:

existing office floor area	95 982 sq.m.
existing retail floor area	3 157 sq.m.
proposed office floor area	199 032 sq.m.
proposed retail floor area	10 283 sq.m.
net office floor area (+)	103 050 sq.m.
net retail floor area (+)	7 126 sq.m.

The estimated number of employees generated from the office space component of the existing and proposed development using an F.S.W. of 25.8 sq.m. is:

existing office employment:	3,720 employees
proposed office employment:	7,714 employees
net increase of office employment:	3,994 employees

It should be noted that the projected number of additional office workers to be generated by Scotia Plaza is 4000, not 5000 as was indicated in my March 2, 1984 report.

5. Transportation Impact

5.1 Background

On March 7, 1984, Land Use Committee adopted my Final Report on Scotia Plaza dated March 2 and, among other things, requested me to report:

"On consultations with the T.T.C. specifically with regard to the impact of this development on the King Street Subway Station and generally to the impact of the public transit capacity to the site."

Consultation with the TTC with regard to the impact of this development on the King Street Subway Station is discussed in the following section of this report, Scotia Plaza Underground Pedestrian Connections.

5.1.1 Metropolitan Planning and TTC

My March 2 report contained the comments of the Metropolitan Planning Department in a letter from Mr. R. J. Bower, Commissioner of Planning, dated July 11, 1983 which indicated, among other things:

"Analysis by staff indicates that the Metropolitan transportation system, as existing, can accommodate the development."

Mr. Bower has also provided me with a copy of his recent letter, dated June 8, 1983, to Alderman Layton (contained in Appendix A) in which he notes:

"The Scotia Plaza Development Proposal has been discussed again recently among Mr. Savage, Mr. Cass, myself and other Metropolitan Officials. Our position essentially remains that expressed to Mr. McLaughlin by letter of July 11, 1983 (copy attached), in which he notes:

"...

1. The land uses proposed (mainly office and retailing) are not a concern.

2. The density required careful consideration. In this respect our analysis indicated that the Metropolitan transportation system could accommodate the movements of persons, goods and vehicles resulting from the development. By way of further detailing of that conclusion I note that the physical design of the proposal has gone through several revisions whereby vehicular access questions of the Roads and Traffic Department (primarily related to loading facilities), have been satisfactorily resolved. Also the TTC has been involved in discussions pertaining to direct corridor connections to the Yonge Street subway line at the King Station. This matter also appears to be moving to a satisfactory resolution and would be detailed through building permit application approvals (and perhaps site plan approval)...

Mr. Savage (Chief General Manager of the TTC) and Mr. Cass (Commissioner of Roads for Metro Toronto) concur with this letter."

6. Scotia Plaza Underground Pedestrian Connections

6.1 Background

My final report on Scotia Plaza dated March 2, 1983, to the Land Use Committee, which was adopted by Land Use Committee at its meeting on March 7, 1984, indicated that, as adequate provision for pedestrian movement was essential for the proposed overall density to be acceptable, I would report further on provisions for pedestrian movement, in particular, on the following:

- the applicant's arrangements re: pedestrian tunnels below King Street and Bay Street; and
- proposed connections to King Street subway station.

In addition to the proposed tunnel below Grand Opera Lane to connect the portion of the development at 102-104 Yonge Street to the main development lot below grade, Campeau Corporation is planning three underground pedestrian links as part of the Scotia Plaza development. These three links are:

- a north-south pedestrian tunnel under Yonge Street from 102-104 Yonge Street to the King subway station;
- a north-south pedestrian tunnel under King Street from the southern edge of the development to the Commerce Court Development; and
- an east-west pedestrian tunnel under Bay Street from the western part of the development to First Canadian Place.

6.2 Bay Street and King Street Underground Pedestrian Tunnels

In my March 2 report I indicated that discussions were not concluded on proposed pedestrian tunnels beneath Bay Street and King Street to connect the Scotia Plaza development below grade with First Canadian Place and Commerce Court, respectively. The locations of possible future connections beneath Bay Street and King Street are shown on the plans and drawings submitted for Development Review and the plans and drawings provide for knockout panels at appropriate locations to accommodate future pedestrian connections. Separate applications and approvals would be required for pedestrian tunnels below streets and/or sidewalks. At this time, Council does not have a policy of encouraging or making a financial contribution to such pedestrian tunnels below the streets. Therefore, it is the applicant's responsibility to make the necessary arrangements, including design, timing, cost sharing, approvals and construction.

By letter dated June 18, 1984 from the IBI Group, on behalf of Campeau Corporation (contained in Appendix B), I have been advised that plans for the three pedestrian tunnels proposed to be located below the public streets have been submitted to the Public Utilities Co-ordinating Committee for circulation to all relevant agencies for preliminary comment. Approval by City Council of the necessary legal arrangements for such tunnels below public streets would be required once agreement is reached by all relevant agencies on the proposal. I am advised by IBI that, based on preliminary information, the proposed pedestrian tunnels appear to be physically feasible. IBI have indicated to me that preliminary discussions have been held with civic agencies and with other interested parties, including the owners of First Canadian Place and Commerce Court, as to cost-sharing and other matters.

6.3 Proposed Connection to King Street Subway Station

My report to the Land Use Committee on Scotia Plaza dated March 2, 1984 indicated that additional office workers in the Scotia Plaza development could cause overcrowding of the sidewalks, particularly at the subway entrances during rush hours and that it was critical that an alternative to the King Street sidewalk be provided for access to the subway. I indicated that the proposed connection to the King Street subway should be made at the same time as the rest of the project. I indicated that I would report further on an agreement respecting the provision and the design of the connection and on improvements to the entrance to the King Street subway station needed to the handle the increased traffic.

The Land Use Committee on March 7, 1984 requested me to report "on consultations with the T.T.C. specifically with regard to the impact of this development on the King Street Subway Station and generally to the impact of the public transit capacity to the site".

My March 7 report indicated that some 5,000 new office workers were projected to be generated by the Scotia Plaza development. As discussed in Section 4 of this report, based on the most recent information, I now project that the number of additional office employees expected to be generated by the proposed Scotia Plaza development would be approximately 4,000, not 5,000 as previously indicated in my March 2 report.

The proposed connection to the King Street subway station, shown on Figures 4 and 5 attached to this report, comprises:

- alterations to and expansion of the mezzanine area of the existing subway station;
- a north-south pedestrian tunnel below Yonge Street from the north end of the King Street subway station to the 102-104 Yonge Street frontage of Scotia Plaza; and
- escalators from the station to the surface to replace existing entrance stairs at the north-west corner of King and Yonge Streets.

Campeau Corporation has provided me with a copy of a letter (contained in Appendix B) dated June 4, 1984 from Mr. H. M. Sweezie, Manager of Land Development for the TTC, to Mr. C. A. Beach of IBI advising that the proposed entrance connection would be "... an item of positive improved convenience in the area ...". Mr. Sweezie indicated, among other things, that he "... would be prepared to recommend to the Commission, for approval, that such an entrance connection be constructed on the following terms and conditions:

a) that the proposed new entrance be constructed and finished at no cost to the Commission or to Metro;

b) that a letter formally requesting the new entrance connection be submitted to Mr. D. C. Phillips, General Secretary of the Commissioner, by the owners, for their designated representative;

c) that detail drawings for the new entrance connection be submited to the Commissioner for approval prior to the commencement of any construction...".

Campeau Corporation has provided me with a copy of their letter dated June 18, 1984 to Mr. D. C. Phillips of the TTC (contained in Appendix B) formally requesting the TTC to consider this proposed new entrance and enclosing a copy of Campeau's "final plan" for the proposed pedestrian link. The letter to Mr. Phillips indicates that Campeau Corporation wishes to enter into an agreement with the Toronto Transit Commission to build and operate the pedestrian link with the "... major costs" being borne by Campeau and some "... cost-sharing arrangements to be worked out with regard to the enlargement of the mezzanine area of the King Street subway station...".

The provision and design of the proposed connection, as well as timing, financial and other arrangements should be provided for in an agreement to which the applicants and the City as well as the TTC and Metropolitan Toronto would be parties.

In my letter to Mr. Walter Jensen, dated June 19, 1984, contained in Appendix B, I asked Campeau Corporation to provide me with adequate information. I indicated that it would not be possible to prepare the provisions for the Master Agreement recommended in my March 2, 1984 report until the information was provided.

Campeau Corporation, by letter dated June 20, 1983 from Mr. Walter Jensen to me provided the following further information, among others, on the proposed connection to the King Street subway station:

- Campeau would be responsible for constructing and operating the pedestrian linkage to the subway station;
- cost sharing arrangements for the enlarged mezzanine area remain to be worked out with the TTC;
- the TTC capital budget does not presently include this item; and
- agreement with the owner of the property at the northwest corner of King and Yonge Streets required for the proposed new exit to King Street and the expanded mezzanine has not been reached.

Mr. Jensen's letter advises that he does not expect that agreement on these matters can be reached by the June 26 special meeting of the Land Use Committee.

The following approvals would be required prior to construction of the proposed connection to the King Street subway:

- approval by the TTC of detailed drawings and financial arrangements;
- execution of a legal operating agreement with the TTC; and
- approval by City Council and Metro Council of licence agreement and any other required agreements for use of the lands below the street.

Because some 4,000 additional office workers are projected to be generated by the proposed Scotia Plaza development, the proposed connection to the King Street subway station should occur at the same time as the development of the rest of the project.

Appropriate legal arrangements should be made, prior to City Council considering the bills for the proposed amendments to the Official Plan and Zoning By-law, with Campeau Corporation, TTC, Metro and the City respecting the provision, design and timing of the connection and for financial and other necessary arrangements.

I will report further to City Council on further progress by Campeau Corporation in resolving the outstanding issues with the TTC and Metro and whether an appropriate legal agreement can be made in light of the progress made to date.

7. Scotia Plaza Daycare

7.1 Background

7.1.1 Land Use Committee

The Land Use Committee, at its meeting of March 7, 1984 approved my final report on Scotia Plaza dated March 2, 1984 which recommended that I report further:

- to the Land Use Committee on the form of agreement to provide for the Scotia Plaza daycare facilities on site at Scotia Plaza, in accordance with Campeau's commitment, until other arrangements satisfactory to City Council are made; and
- to Neighbourhoods Committee in consultation with the City Solicitor, Commissioner of Property and the Task Force on Workplace Daycare on an appropriate solution to the Scotia Plaza daycare commitment including financial and legal considerations for provision of the daycare facilities at on off-site location.

Section 8 of my March 2, 1984 report discusses the applicants' commitment to provide daycare facilities for at least 50 children on the site in accordance with the Provincial guidelines, and their request to be allowed to satisfy this commitment in an alternate manner to that previously agreed to. Representatives of the applicants suggested that their obligation be re-defined as the provision of a daycare facility for a minimum of 50 children at an off-site location for a 25-year period together with the cost of start-up arrangements, or the financial equivalent, or a combination of space and money.

Their request was apparently based on their consultant's review of the plans for certain options for location of daycare in the proposed development, and their determination that an appropriate location which would meet provincial guidelines is not available within the development. My report discussed the significant advantages of an on-site location in serving Scotia Plaza workers, and how any alternative site should be carefully considered to ensure the level of convenience, service and accessibility would be attractive to future workers in Scotia Plaza. An obvious concern respecting an off-site location related to proximity of the daycare centre to Scotia Plaza since an off-site location would likely result in reduced convenience to Scotia Plaza workers. My report suggested that further consideration of an on-site location was advisable, since on occasion the Province would make exceptions to its standard requirements, provided concerns of safety and convenience of the children could be achieved. If alternate arrangements were to be considered, difficult financial and legal questions would also have to be addressed to ensure an off-site daycare facility could be operated, and monies expended during the 25 years period to the City's satisfaction, in accordance with applicants' commitment. My report recommended that the applicant enter into an agreement now to provide the daycare on site at Scotia Plaza, similar to the Eaton Centre arrangements and that I report further on the appropriate form of agreement.

7.1.2 City Council

At its meeting of April 5, 1984, the Neighbourhoods Committee adopted my report of March 6, 1984 entitled "Scotia Plaza Daycare" which contained my final report on Scotia Plaza dated March 2, 1984, which recommended that, in consultation with the City Solicitor, the Commissioner of Property and the Task Force on Workplace Daycare, I report further respecting the Scotia Plaza daycare commitment as recommended in my report of March 2, 1984, on Application No. 1633 for Official Plan Amendment and Rezoning for the Scotia Plaza development site.

The Committee also adopted the following motion:

"Having heard submissions to the effect that both Campeau Corporation and the Provincial Government are still very interested in having on-site daycare in this development, and in order to avoid any misunderstanding on this matter, the Committee recommends that Council re-affirm its commitments to on-site workplace daycare for this development to accommodate at least 50 children, and in this respect that Council request the Provincial Government to make appropriate exceptions to its standard requirements for daycare centres. The Committee also recommends that the Commissioner of Planning and Development and the Task Force on Work Related Daycare be requested to continue necessary discussions on this matter. The Committee advises having adopted the report dated March 6, 1984, from the Commissioner of Planning and Development."

This was subsequently adopted by Council at its meeting of April 16, 1984 (Neighbourhood's Committee Report No. 8 Cl. 32).

7.2 Present Situation

7.2.1 On Site Location

I am now able to advise of a resolution of the daycare commitment at a location on site at Scotia Plaza which is satisfactory to both Provincial officials and representatives of the applicants.

Further to Council's direction of April 16, 1984, (Neighbourhoods Committee Report 8, Clause 32) my staff in consultation with the Co-ordinators of the Task Force on Workplace Daycare identified options for daycare within the Scotia Plaza development and three options were selected for review by the Provincial officials and representatives of Campeau Corporation and the Bank of Nova Scotia. The Provincial officials were very supportive of achievement of workplace daycare within Scotia Plaza and indicated that based on the information provided it appeared that any one of the three options would be acceptable.

Representatives for the applicants reviewed the three options and have now agreed to locate the daycare centre in the Dunfield building on Yonge Street (see Figures 1, 6, 7 and 8). In a further meeting with Provincial officials and representatives of the applicants, the Provincial officials indicated their approval in principle of this location. They will be reviewing the proposal further when the applicants' formal application for licensing the daycare centre is before them for approval.

7.2.2 Approval by Provincial Officials

A letter, dated June 1, 1984 from the Honourable Frank Drea, Minister or Community and Social Services is contained in Appendix C. The Minister enclosed a letter, dated May 8, 1984 from Celia R. Denov, Local Manager of the Toronto Area Office for the Ministry of Community and Social Services in which she states:

"With regard to the "Scotial Plaza Daycare" proposal discussed on May 4, 1984 with Mrs. Wagg and Mrs. Mason of this office, I am in agreement with their decision to approve in principle the proposed plans submitted for a day care centre of approximately 50 children, ages infant to five years. The site will be on the second floor of the "Dunfield building" with a rooftop playground on the third floor.

Our area office staff will be availble at any time for consultation to your department and to the Campeau Corporation.

It is an exciting concept to have a day care centre in a large development in the downtown core. I commend both the City of Toronto and the Campeau Corporation for their interest in meeting the needs of working women in supplying workplace day care space."

7.2.3 Revision of Plans by Applicant

The applicants submitted revised plans, dated May 1, 1984 and amended their application for Development Review to include a daycare centre in the plans and drawings which the provincial officials have indicated to be satisfactory in principle.

7.2.4 Approval by Task Force on Workplace Daycare

At its meeting held on May 4, 1984, the Task Force on Work-Related Day Care had before it Clause 32 of the Neighbourhoods Committee Report No. 8 entitled "Scotia Plaza Daycare", which was adopted by City Council at its meeting held on April 16, 1984.

The Task Force also had before i. a report (May 4, 1984) from the Commissioner of Planning and Development regarding discussions held with representatives of the Planning and Development Department, Co-ordinators of the Task Force on Work-related Daycare, Provincial Officials, and representatives of Campeau Corporation and the Bank of Nova Scotia, regarding the daycare centre at the above-noted development.

The Task Force approved, in principle, the report from the Commissioner of Planning and Development together with the proposed plans for the daycare centre as presented by the representatives of the Planning and Development Department, and decided to forward the above-noted report to the Neighbourhoods Committee and the Land Use Committee for information.

I understand a formal communication dated May 14, 1984 from the Task Force has been forwarded to your Committee and the Neighbourhoods Committee for information.

7.3 Considerations respecting an Off-site Location

Questions raised in my March 2, 1984 report respecting financial and legal arrangements which would have to be addressed in the event an on-site location was not possible and an off-site location was to be considered by Council, appear to be no longer relevant to the matter of the Scotia Plaza daycare.

However, I am advised by the Co-ordinators of the Task Force on Workplace Daycare that the legal and financial implications of securing the daycare commitment off-site is likely to be complicated. For example, there is presently no mechanism under current legislation by which the City could accept money as security for the commitment and establish a way to ensure it is used appropriately. It would also appear to be necessary for the City to obtain special legislation to permit the City to appoint a representative to any kind of daycare corporation, including a non-profit corporation established by an employer/developer.

7.4 The Applicants' Commitment Respecting Scotia Plaza Daycare Arrangements

The applicants have agreed to provide a daycare centre for a minimum of 50 children in the Dunfield building on Yonge Street for a term of 25 years and ready to operate from the completion of Scotia Plaza construction. The co-applicants are to be responsible for rent and such operating expenses as utilities (such as heat and hydro), public liability and fire insurance, caretaking, preventative maintenance and realty taxes, as well as start-up arrangements (as discussed in Section 8.3 of my March 2, 1984 report). The applicants have also agreed to prepare the space for daycare (including constructing partitions, cupboards, bathroom and kitchen facilities) in accordance with requirements established by the Province.

The applicants have agreed to set up a non-profit organization to manage the daycare centre, and I am recommending that they be represented by two Corporate Officers or employees who will be members of the daycare corporation. Members of the corporation should include parent-consumers. However, as discussed in my March 2, 1984 report, the ongoing involvement of the applicants as would be provided by their participation on the daycare corporation is essential to ensure the effective implementation of their commitment to Council, and therefore the success of the daycare program. Other information on the applicants intentions respecting the management and operation of the daycare facility (as requested in my preliminary report, approved at the Land Use Committee meeting of December 13, 1982) is not yet available. This information relates to the development of an affordable but viable program, and therefore consideration of additional sources of grants, (including in-kind services), and of appropriate daycare workers' wages and benefits further to Council directions in this regard. I am recommending that the applicants seek the assistance of the Co-ordinators of the Task Force on Workplace Daycare respecting these matters and that I report on these arrangements.

With respect to the proposed location in the Dunfield building, both the applicants and Provincial officials are pleased with the opportunities provided here. The building is small-scale and comfortable for children, and in fact, the daycare centre which will be on the second floor (interior space, shown on Figure 6) and roof level for outdoor playspace (Figure 7), will be the major tenant of the building. Advantages offered by this location include excellent access to the subway, a private elevator which would also serve the roof level playspace, and emergency access via the stairs of the building.

A particular concern raised by the Land Use Committee at its meeting of December 13, 1982 related to the provision of open space for the daycare facility, taking into consideration wind conditions as they could affect small children. The applicants have submitted a wind study on this open space and have proposed certain measures to ameliorate wind and result in a satisfactory condition. My separate report on Development Review for the proposed Scotia Plaza development discusses this in more detail and recommends that Council approve detailed landscaping plans for this area in the future before building permits are issued for the above grade construction.

7.5 Implementation

My report of March 2, 1984 recommended that the applicants enter into an agreement with the City containing provisions similar to the arrangements contained in the 1982 Agreement between the City and Eaton Centre co-owners to provide the daycare on-site at Scotia Plaza so that this matter would not delay processing of the other necessary legal instruments. As the applicants have now agreed to a specific location on-site, I am now recommending that appropriate legal arrangements respecting the applicants' commitment to provide daycare on-site at Scotia Plaza, as discussed in Section 7.4 of this report, be included in the Master Agreement respecting Scotia Plaza daycare and Waterpark Place. As discussed in Section 11, the Master Agreement should contain the provisions contained in Appendix D respecting the Scotia Plaza daycare facility.

In addition, the plans and drawings submitted for development review have been amended to include the daycare facility at the proposed location. These are included in a separate report on Development Review to your Committee, which recommends that the plans and drawings submitted with the application be approved by Council and as a condition of such approval that the applicant enter into a development agreement under Section 40 of the Planning Act.

As the Scotia Plaza daycare facility is to be located on-site within the proposed Scotia Plaza development, I am now recommending that my recommendation contained in my March 2, 1984 and March 6, 1984 reports i.e. in consultation with the City Solicitor, the Commissioner of Property and the Task Force on Workplace Daycare, I report to the Neighbourhoods Committee respecting the Scotia Plaza daycare commitment (Neighbourhoods Committee Report No. 8, Clause 32), be struck out. I am recommending that this report be transmitted to the Neighbourhoods Committee for their information.

8. Closing and Conveyance of Johnson Street and a Portion of the Public Lane

8.1 Background

On April 16 City Council adopted Executive Committee Report No. 12, Clause 49 containing my report dated April 6 entitled "Scotia Plaza: Site for Assisted Housing", the report of the City Solicitor, dated April 13, 1984 and my further report, dated April 16, 1984. Recommendation 4 of the City Solicitor's report requested me to report "to the meeting of Council at which the Official Plan amendments and Zoning By-laws for Scotia Plaza, Waterpark Place and the Royal Bank site are to be considered on whether or not the sale of the portion of the public lane and Johnson Street has been completed, and if such sale has not then occurred, on the source of funds for the purchase of the Biltrite site or alternatively on the termination by the City of the agreement to purchase the Biltrite site.

8.2 Official Plan Amendment Re: 1A.46(a)

On May 14, City Council adopted Land Use Committee Report No. 10, Clause 22, as amended, respecting the proposed Official Plan Amendment to exempt the proposed closing and conveyance of Johnson Street and the portion of the public lane from the provisions of Section 1A.46(a) of the Official Plan. City Council gave third reading to the necessary bill for the proposed Official Plan Amendment No. 276 (as contained in By-law No. 368-84) at that meeting. Official Plan Amendment No. 276 must be approved before Council can pass the necessary Bills to close and convey the street and lane to the applicant.

The Ministry of Municipal Affairs and Housing approved Official Plan Amendment No. 276 on June 13, 1984.

8.3 Proposed Closing and Conveyance

On May 28, 1984 City Council adopted City Services Committee Report No. 10, Clause 10, containing the report of the Commissioner of Public Works, dated May 14, 1984 on the proposed closing and conveyance of Johnson Street and a portion of a public lane for incorporation into the proposed Scotia Plaza development lot. Also on May 28, 1984, City Council gave two readings to the necessary bill to authority the advertising of the bill. A special meeting of the City Services Committee on June 22, 1984 heard objections to the proposed closings and recommended that Council pass the necessary bills subject to the conditions contained in the report of May 28, 1984.

As Official Plan Amendment No. 276 has been approved by the Minister, third reading of the bill by City Council could occur at City Council on June 25, 1984 or at the special meeting of Council scheduled for June 28, 1984 to consider Scotia Plaza.

If this occurs, the City Solicitor will take the necessary actions to convey the lands to the applicant in accordance with the terms and conditions approved by Council. The City Solicitor should be requested to report to Council on whether the conveyance of Johnson Street and a portion of the City lane to the applicant has been completed.

9. Economic Benefits

9.1 Background

On May 28 City Council adopted Clause 32 of Report No. 11 of the Land Use Committee containing my report dated May 14, 1984 on the Critical Path for Scotia Plaza and Waterpark Place, and my supplementary report dated May 25, 1984 on the Critical Path. Council amended the clause to recommend, among other things, that I report to the Land Use Committee on "the net economic benefits to Campeau Corporation and the respective benefits to the City of Toronto" of the proposed arrangements respecting Scotia Plaza and Waterpark Place.

9.2 Campeau Corporation

Campeau Corporation is the co-applicant with the Bank of Nova Scotia for the proposed Scotia Plaza development. The Bank, through its subsidiary Scotia Realty is the owner of the land on which the proposed Scotia Plaza is to be developed by Campeau Corporation. I understand that Campeau Corporation's arrangements with the Bank provide for the granting of a leasehold interest in Campeau in the Scotia Plaza development. Campeau Corporation is the sole applicant in respect of the proposed Waterpark Place development.

Campeau Corporation with the Bank of Nova Scotia for Scotia Plaza is seeking amendment to the Official Plan and Zoning By-law to permit an increase in commercial density and decrease in residential density on the Scotia Plaza lot. Concurrently, Campeau Corporation, on its own behalf, is seeking amendments to the Zoning By-law to permit a reduction in commercial density and an increase in residential density for the proposed Waterpark Place development. Further, Campeau Corporation is also seeking, on its own behalf, certain amendments to the 1969 Building Scheme Agreement to which Campeau, Capthorne Holdings Ltd., the Toronto Harbour Commission and the City are parties to permit the mixture of commercial and residential uses and a substantially revised design of the proposed Waterpark Place development.

Under the Planning Act, application for amendments to the Official Plan or Zoning By-law, and for Development Review under Section 40, is made by the owner(s) of the proposed development lands. There is no requirement or authority for disclosure to the City of legal and financial arrangements between parties where several owners jointly submit an application.

Apart from the information necessary to determine the parties whose signatures are required on the various legal documents applications, development agreement, heritage easement agreements, etc., I have no information on the legal or financial arrangements between Campeau Corporation and the Bank of Nova Scotia, in particular. Therefore, the information necessary to assess the net benefits to Campeau Corporation in the proposed Scotia Plaza/Waterpark Place arrangements is not available to me, nor can it be required by the municipality to be made available.

9.3 Net Economic Benefits

Net economic benefits would be based on a calculation of the net difference between all financial benefits and all costs involved in the proposed Scotia Plaza and Waterpark Place developments and their inter-relationship.

In addition to a valuation of the revised density potentials resulting from the proposed increases and decreases resulting from the proposed increases and decreases in commercial and residential density on both Scotia Plaza and Waterpark Place, the financial benefits and costs to the applicants include many other factors:

- investment costs, including original cost and carrying costs of the lands, taxes, cost of money;
- costs due to delay in revising drawings, etc., to meet the City's objectives and requirements; and
- constraints resulting from retention of historic buildings and encumbrance of lands by the proposed agreements.

Applications for amendments to the Official Plan and Zoning By-law are evaluated on the basis of planning considerations in accordance with the City's jurisdiction over land use planning. The physical impact of the proposed development is evaluated in terms of its impact on the existing infrastructure, including the transportation facilities, appropriateness of the built form, in relation to existing and proposed uses in the general area and compatibility with the existing general provisions of the Official Plan and Zoning By-law. Plans, drawings and studies analysing the physical impact - e.g., wind, sun/shade, noise, traffic - of the proposed development must be submitted by the applicants and reviewed by the relevant civic departments.

Density incentives can be used by the City to assist the City in achieving the objectives of its Official Plan, including the preservation of historic buildings, provision of assisted housing, provision of parkland and landscaped open spaces in conjunction with development.

The City has no authority to require the applicants to submit information on business costs respecting a proposed development for which an amendment to the Official Plan or Zoning By-law is sought. To conduct an analysis of business costs and benefits, it would be necessary for me to retain architectural, marketing, and financial consultants and for Campeau Corporation and Bank of Nova Scotia to provide such consultants with full information on all their financial and development arrangements related to the proposed Scotia Plaza and Waterpark Place developments. Funds have not been requested or made available for this purpose. Without such an analysis I have no way of determining the "net economic benefits to Campeau Corporation". Having regard for the City's rights and responsibilities and for the objectives of the Official Plan, I do not recommend such an analysis respecting the proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza.

9.4 Benefits to the City of Toronto

The major benefits to be secured by the City from the proposed Scotia Plaza and Waterpark Place arrangements are not quantifiable in dollar terms. These benefits are:

- Preservation of satisfactory pedestrian environment through preservation of important elements of the existing urban fabric, i.e., the historic buildings - Bank of Nova Scotia building, the National Club, the Upper Canada Bible and Tract Society, and the Wood Gundy building facade, and the historic Bay Street canyon streetscape.

- A more appropriate form of development for the Waterfront area, through reduction of the commercial density and addition of residential density on Waterpark Place.

In the absence of the subject proposal, these objectives might theoretically be achieved by the City through payment of monies to the property owners concerned if the City had the legal power to do so. The public benefit associated with the project might then be viewed as securing the planning objectives indicated above without having to spend money to acquire them. But the costs of buying out development rights or purchasing historic easements, if they are to be valued, require reference to market data. To my knowledge no such data exist applicable to the geographic areas and building types concerned. In essence, the "price" of securing the subject benefits through recourse to the market place would be a negotiable one. It is conceivable, however, that many millions of dollars would be required to achieve the planning objectives obtained without public cost via this project. Further, the City would not appear to have authority at present to buy out development rights.

Having no ability to quantify the major elements of benefit accruing to the City, there appears to be little point in costing out the remaining benefits, such as the securing of daycare facilities, acquisition of land for housing purposes and assessment/employment benefits. However, it should be noted that even though demand for office space could be met by other projects, with equivalent assessment and job benefits, in the event of Scotia Plaza not going ahead, Scotia Plaza is the only major project apparently in a position to start immediately. In view of current employment and assessment prospects, an early start must be viewed as beneficial.

9.5 Conclusions

The objectives of the City are significantly different than the objectives of the developer respecting redevelopment of the land proposed by the developer. Financial return, relative to the costs and risks involved, may be a determining factor to the developer. The City, on the other hand, is seeking through the Official Plan to ensure that its general objectives for the use and development of land are achieved. Public benefits that are consistent with the Official Plan's provisions and objectives and within the City's jurisdiction may be achieved through appropriate use of density incentives. Planning, including the granting of incentives, that is based on the financial valuation of public benefits is not consistent with the approach to land use planning provided in the City's Official Plan. Further, as the City has no authority presently to utilize a balance sheet approach to development proposals, and consequently there are no guidelines within which such an approach can be conducted, application of the balance sheet approach to the public benefits to be secured through proposed Scotia Plaza/Waterpark Place arrangements would not seem to be appropriate. Indeed it might produce results that are incompatible with the City's land use planning objectives.

10. Comments by Concerned Parties

10.1 Submissions to Land Use Committee, May 16, 1984

The following is a summary of written submissions respecting Scotia Plaza before the public meeting of the Land Use Committee of May 16, 1984 to consider the proposed amendments to the Official Plan and Zoning By-law re: Scotia Plaza/Waterpark Place (not including submissions of solicitors for the applicant)

1. William H. Roberts, Past Chairman, CORRA (May 30, 1983)

- The density transfer violates the principles of the Official Plan:

  (a) The 4 times residential density to be transferred by the bank is not "as of right" unless contructed in the same district. Is there a new policy to allow bonus densities to be transferred even when they are not earned?

(b) It is not the intention of the Plan to allow density transfers between districts. Is there a new policy to allow densities to be transferred from one section of the City to another?

(c) The transfer does not comply with the Official Plan policy to encourage CR mix downtown.

2. William H. Roberts, Past Chairman, CORRA (March 6, 1984)

- Policies of the Central Area Plan are being abandoned:

  (a) increase in workers in Core to be related to the capacity of the transit system; and

  (b) residential development to be encouraged downtown.

- The Royal Bank building will become more non-conforming than it already is with the severance of part of the property. The resulting density should be approved separately by Council.

- Are there any studies to show that the subway can accommodate another 5,000 riders?

3. Downtown Business Council (January 31, 1983)

- Supports Scotia Plaza:

  (a) will aid employment in the construction trades;

  (b) will attract new business from other cities and will improve Toronto's image as a world-class city;

  (c) will add to tax base;

  (d) the design is good, including the preservation of historic buildings; and

  (e) proposed pedestrian links to Yonge Street and to the subway station at King and Yonge are desirable.

4. Toronto Redevelopment Advisory Council, Sydney Hermant, Chairman (May 7, 1984)

- Supports Scotia Plaza:

  (a) Supports historic density exemptions.

  (b) Recognizes value to public of density transfer with Waterpark Place.

  (c) Wind study has shown that conditions for pedestrians will not be worsened. The pedestrian concourse is extended to provide all-weather protection.

  (d) 16X density is only 15% greater than Renaissance Plaza at Bloor and Avenue Road.

  (e) Floor space per worker has risen, so that total number of workers in Scotia Plaza would be similar to a 12X building in the 1960's.

  (f) The business community is more efficient operating in a compact setting.

  (g) There should be a limit to the total density allowed in the Financial District and clear criteria for exceeding as-of-right density.

5. Stephen Diamond for York Condominium Corporation 510 (May 15, 1984)

- no objection in principle to the density transfer;

- concerned about congestion if there are poor traffic circulation and parking arrangements, given the density of 10.1 X at Waterpark Place; and

- buildings should be sited so as not to obstruct views of residents, as far as possible.

6. Alderman Jack Layton (May 16, 1984)

- Additional employees at Scotia Plaza (5,000-6,500) will require 3 or 4 full subway trains. TTC should report on capacity and operational requirements prior to adoption of by-laws.

- Density should be limited to as-of-right (8) plus maximum historic bonus (2) 10. Extra density should not be granted for:

  (a) density attributed to streets and lanes to be closed;

  (b) apparent double-counting of Royal Bank property;

  (c) transfer from Waterpark Place; and

  (d) excess historic bonus.

  Commissioner of Planning to report on a development at a density of 10X.

- Biltrite site is to be purchased by the City with funds from sale of lanes to Campeau. The site is not being donated by the developer.

- In order to achieve 16X density, Campeau should construct a housing project of 150-200 units on the Biltrite site for non-profit housing to be delivered to the City at nominal cost. The Commissioner of Planning and Development and the Commissioner of Housing should report on implementation plan.

- The day-care centre, while valuable, will be operated under government funded programs and therefore is a small financial borden for developer.

7. Toronto-Central Ontario Building and Construction Trades Council (April 18, 1984)

- supports early approval of the project to aid unemployment situation of skilled trade workers; and

- understands that Campeau will start construction of Scotia Plaza as soon as approvals are obtained.

8. J. Edgar Sexton for the Toronto Dominion Bank (May 16, 1984)

Lease:

(a) The TD lease of a portion of 25 Adelaide Street West can not be terminated until 1996, and then only if the landlord intends to redevelop.

(b) The project as presently conceived cannot go forward until the lease is terminated.

(c) Campeau did not advise the City that the development site had not been fully acquired.

Equity:

(a) Similar landowners should be given similar treatment.

(b) A series of principles have been created in favour of Campeau and Bank of Nova Scotia that were not available to other nearby developments, leading to 16X density at Scotia Plaza versus 12X density for others at King and Bay.

(c) Neither architectural/historic bonus nor transfer of commercial density accords with the Official Plan. The transfer of commercial density alone leads to a windfall gain for Campeau of more than $40 million, which is not justified by any countervailing advantage to the City.

Precedent:

(a) Can the City treat all developers with the generosity accorded to Scotia Plaza?

(b) The transfers of density across zone lines for Bank of Upper Canada and Wintergarden were based on unquestioned historic significance and national importance. (Even then, the Commissioner of Planning and Development recommended against the Bank of Upper Canada transfer.) In this case, density is being taken from a vacant site in a relatively commercially inactive portion of the City and transferred to the Core.

(c) The exemption given for the total density of the Bank of Nova Scotia building because of its architectural significance could be applied equally to the TD Centre and Commerce Court. This would permit additional development on these sites, resulting in a total density on each of about 20 X.

Abandonment of the Official Plan:

The proposal amounts to a rethinking and rejection of the Official Plan and Zoning By-law:

(a) The transfer of residential density out of the financial core worsens the single use situation.

(b) The proposal will exacerbate traffic problems and the pressure on the transit system.

(c) The decentralization argument of the Plan has been rejected.

Additional Matters:

The following implications have not been adequately considered:

(a) Can the subway handle the additional ridership?

(b) Will there be adequate parking garage in place on the periphery of the core, given that only 450 parking spaces will be provided, of which 26 are to be used by the Royal Bank?

(c) Does Adelaide Street have the capacity to handle the truck traffic that will be generated by the development?

10.2 Comments on Submissions

My comments on comments made at the public meeting of the Land Use Committee on May 16, 1984 on the proposed arrangements for Scotia Plaza and Waterpark Place address the planning concerns raised generally rather than responding to each individual submission. Concern has been expressed that the principles of the Official Plan will be eroded through the transfer of density and the historic building bonus proposed by the Scotia Plaza and Waterpark Place arrangements if the proposed Official Plan Amendment is approved. Concern has also been expressed about the impact of the proposed Scotia Plaza development on the transportation system.

10.2.1 Official Plan Considerations

The proposed amendment to the Official Plan would permit a higher maximum density for non-residential purposes than the maximum density for the Financial District provided generally by the Official Plan. The proposed non-residential density of 16.1 times the area of the Scotia Plaza development lot, would be conditional on, among other things:

1. the simultaneous rezoning of the Waterpark Place lands and the Scotia Plaza lands to:
   - decrease the non-residential density permitted on Waterpark Place,
   - increase the non-residential density permitted on Scotia Plaza,
   - decrease the residential density permitted on Scotia Plaza, and
   - increase the residential density permitted on Waterpark Place; and
2. the preservation of the Bank of Nova Scotia, the National Club and the Dunfield building.

The proposed amendment is site-specific in nature, rather than being an amendment of general application.

The proposed amendment would permit more than one building to be located on the lot to avoid possible problems with definitions of the Zoning By-law. It would also prevent the use of any of the bonuses contained in the general provisions of the Official Plan to fix the maximum non-residential density at 16.1 times.

The proposed amendment is not an amendment to either the density transfer provision for small lots contained in Section 3A.5(f) or to the historic bonus provisions contained in Section 1A.42. Rather, it is a site-specific provision which is recommended to achieve:

- comprehensive redevelopment of the Scotia Plaza lot in conjunction with retention of the historic buildings and streetscape;
- comprehensive redesign and mixtures of uses for the Waterpark Place lot; and
- better transit modal split at Scotia Plaza site.

All of these matters have been discussed at length in my previous reports on Scotia Plaza and Waterpark Place dated March 2, 1984, December 10, 1982 and October 1, 1982.

The proposed Scotia Plaza development in its built form and transportation impact is consistent with the intent of the general provisions of the Official Plan applying to the Financial District which provide:

- that the Financial District is first priority as location for future office development;
- that the Financial District is predominantly commercial in character;
- that the Financial District is most accessible to all regional and area modes of transportation;
- that the Financial District is the major office employment centre in Metropolitan area; and
- for the preservation of historic buildings and streetscape.

The increased non-residential density has been recommended to achieve the objectives of the Official Plan, including:

- retention of the historic buildings and streetscape at Scotia Plaza;
- mixed use and improvement to built form at Waterpark Place; and
- potential for assisted housing.

The Official Plan remains in effect until it is amended in accordance with the Planning Act. Under the provisions of the Planning Act, a proposed amendment to the Official Plan must be approved by City Council and by the Province of Ontario before it comes into effect. Therefore, the site-specific Official Plan amendment proposed for Scotia Plaza does not alter the continued effect of the general principles of the Official Plan. As far as serving as a precedent for future site-specific Official Plan Amendments, the Scotia Plaza amendment has been proposed to address, among other things:

- the extraordinary legal rights conferred by the 1969 Building Scheme Agreement applying to Waterpark Place which appears to affect the City's authority to make the Official Plan and Zoning By-law amendments;
- the historic and architectural significance of the individual historic buildings to be preserved as well the preservation of the Bay Street Canyon through preservation of the Bank of Nova Scotia and the National Club; and
- the satisfactory redevelopment of this large, prominent site and satisfactory integration of the significant historic buildings into the new development.

10.2.2 Transportation Impact

Section 5 of this report contains comments on the transportation impact.

10.3 Comments by the Metropolitan Commissioner of Planning

After reviewing my final report of March 2, 1984 on Scotia Plaza, Mr. R. J. Bower, the Commissioner of Planning for Metropolitan Toronto, in a letter dated March 22, 1984 (contained in Appendix A), provided additional comments, further to those contained in his letter dated July 11, 1983 which was included in my March 2, 1984 report. The Metropolitan Commissioner of Planning recommended that "the Official Plan Amendment be worded to state explicitly that the density bonus granted for the preservation of the historic structure is subject to the availability of adequate transportation facilities to serve the development". The Commissioner of Planning indicated that his recommendation was intended to ensure that "a precedent is not established in any manner". He also indicated that the existing Metropolitan transportation system can accommodate the development and that, hence he had no objection.

My response to the Metropolitan Commissioner of Planning, dated May 24, 1984, is contained in Appendix A. I indicated that it would be inappropriate to incorporate the wording which he proposed in the proposed amendments to the Official Plan for Scotia Plaza for the following reason: This is not a situation where the Official Plan Amendment is to be followed later by the enactment of an amendment to the Zoning By-law to implement it. All approvals necessary from City Council are to be granted simultaneously. Further, development approval under Section 40 of the Planning Act, in accordance with an approved by-law, cannot be withheld because of transportation capacity when development actually occurs.

10.4 Conclusions

In summary, I believe that the discussion of the Official Plan considerations relevant to the proposed amendment to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place contained in my preliminary reports dated December 10, 1984 and my final reports dated March 2, 1984 adequately address the concerns contained in the various submissions to the Land Use Committee respecting the proposed amendments to the Official Plan and Zoning By-law that are before you. Your Committee should recommend that Council adopt my reports and the draft by-laws and recommend introduction of the necessary bills, subject to satisfying the recommendations of this report and my separate report on Waterpark Place.

11. Master Agreement

In my March 2 report I indicated that I would report further on an agreement between the City and the parties involved in the Scotia Plaza development which would be necessary to deal with the following matters which were set out in Section 13.3 of that report:

1. Scotia Plaza daycare commitment;
2. future Heritage Easement Agreement for Wood Gundy Facade;
3. designation of 44 King Street West and 102 Yonge Street;
4. timing of construction of the Adelaide Street building;
5. Wood Gundy facade - demolition, storage, reconstruction;
6. demolition of buildings on the development lot;
7. future closing and conveyance of lane abutting the National Club;
8. future construction and conveyance of new north-south lane at no cost to the City;
9. parking and loading arrangements for the Royal Bank;
10. below-grade pedestrian tunnel connection to King Street station of the Yonge subway;
11. improvements to pedestrian access to King Street subway station;

12. development of 102 and 106 Yonge Street lands;

13. intention to repeal the density limits on termination of Heritage Easement Agreement;

14. repeal of Official Plan Amendment and By-laws if all which apply to Waterpark Place, Scotia Plaza and 20 King Street West do not come into force;

15. preliminary closing date; and

16. unwinding date for repeal of all by-laws if any do not come into force by a stipulated date.

Certain of these matters have now been dealt with and do not need to be addressed in the Master Agreement between the parties as follows:

- Items 2, 4 and 5 have been dealt with by City Council (Land Use Committee Report No. 12, Clause 18);
- Item 8 is dealt with in the report of the Commissioner of Public Works dated May 14, 1984, which was adopted by City Council on May 28, 1984 (City Services Report No. 10, Clause 10); and
- Item 9 - provision has been made in the proposed Zoning By-laws for the Royal Bank and Scotia Plaza for parking and loading for the Royal Bank.

The Master Agreement between the parties involved in the Scotia Plaza development should contain appropriate provisions dealing with the remaining matters:

1. Scotia Plaza Daycare Commitment:

This commitment and the appropriate manner of its resolution is discussed in Section 7 of this report. Provisions for inclusion in the Master Agreement are contained in Appendix D of this report. Comparable provisions are recommended in my companion report dated June 22, 1984 respecting Waterpark Place. Those provisions are also set out in Appendix D to this report. Although the draft Master Agreement provisions contained in Appendix D seek to reduce the City's risk that the daycare commitment will not be satisfied, I am advised that it is not possible to eliminate this risk altogether. For example, the draft agreement provisions would not protect the City in respect of the early provision of daycare in the event that the construction of Scotia Plaza on the first commercial building on Waterpark Place was deferred by the owners indefinitely.

2. Future Closing and Conveyance of Lane Abutting National Club:

This matter is discussed in Section 6.3 of my report on Scotia Plaza dated March 2, 1984. The legal arrangement that is described dealing with the future closing and conveyance of the lane as described in Section 6.3 is, I understand, acceptable to the applicants. I recommend that the Master Agreement contain a provision to give effect to the proposal described in the above-mentioned Section 6.3 of my March 2, 1984 report on Scotia Plaza.

3. Designation of 44 King Street West and 102-104 Yonge Street:

I recommend that the Master Agreement contain a provision to the effect that the applicants will not object to the designation of the above properties under the Ontario Heritage Act at any time following the issuance of building permits for any of the permitted alterations to the buildings at 44 King Street West and 102-104 Yonge Street that are detailed in the proposed Heritage Easement Agreement attached to my separate reports dated June 22, 1984 on these matters. The Master Agreement should provide that the applicants will require any person claiming title to any portion of Scotia Plaza development to enter into an agreement with the City to the same effect prior to making any conveyance, mortgage, charge or lease to such person with respect to this provision and all other provisions of the Master Agreement.

4. Demolition of Buildings on Development Lot:

The demolition of portions of 44 King Street West and 102-104 Yonge Street is dealt with in the proposed Heritage Easement Agreements for these buildings attached to my separate reports. The demolition of the Wood Gundy facade has been dealt with by City Council (Land Use

Committee Report No. 12, Clause 18, as amended). The National Club has been designated and no demolition would be permitted without City Council's approval in accordance with the Ontario Heritage Act.

No further provision in the Master Agreement is required for this matter.

5. Proposed Connection to King Subway Station:

This matter is discussed in Section 6 of this report in which I note the progress made by the applicant to date in resolving the problem with the TTC and Metro. I will be reporting further to Council on June 28 on any provision that could be included in the Master Agreement having regard for further progress by the applicant to the date of my further report on resolving the outstanding issues.

6. Development of 102 and 106 Yonge Street:

This is dealt with in my companion reports on Development Review for Scotia Plaza and on the Heritage Easement Agreement for 102-104 Yonge Street. No further reference to this matter need be contained in the Master Agreement.

7. Intention to Repeal Density Limits on Termination of Heritage Easement Agreement:

In the proposed Zoning By-law for Scotia Plaza, the achievement of the maximum amount of non-residential gross floor area permitted to be developed is conditional, among other matters, or the continued erection of 44 King Street West, the Bay Street facade of the National Club at 303 Bay Street, and the front portion of 102-104 Yonge Street. On termination of the Heritage Easement Agreements, subject to compliance with the demolition control provisions of Provincial and municipal legislation application at the time, the owners will be in position to demolish the historic buildings. I recommended in my March 2, 1984 report that the maximum permitted non-residential gross floor area erected and use on the lot should not be reduced. In order to accomplish this result, it would be necesary for a future Council to repeal the condition which ties the entitlement to this density to the continued erection of the historic buildings in question. While Council cannot bind itself or its successor to pass a repealing by-law, nevertheless, the Master Agreement should provide that it is the intention of the parties to it that, without fettering the discretion of Council, in any way, that following the termination of the Heritage Easement Agreement, Council will rescind the tieing condition in question.

8. Preliminary Closing Date; and Unwinding Date:

I have included provisions dealing with these matters in Appendix D of this report.

9. Waterpark Place:

My companion report on Waterpark Place dated June 22, 1984 also discusses the Master Agreement insofar as it should apply to Waterpark Place.

12. Waterpark Place

As indicated in my previous reports, the applications respecting Scotia Plaza and Waterpark Place are interrelated and must be processed simultaneously. Certain amendments to the Building Scheme Agreement which applies to the Waterpark Place lands, among others, are required to permit the proposed amendments to the Official Plan and Zoning By-law for both Scotia Plaza and Waterpark Place.

My separate report on outstanding matters respecting Waterpark Place discusses the amendments to the Building Scheme Agreement and recommends that I should report directly to City Council at its meeting on June 28, 1984 on the necessary amendments to the Building Scheme Agreement and certain other matters.

Recommendations:

1. That this report be adopted.

2. That with respect to the proposed connection to the King Street subway station, the provision of the connection, the design, timing of construction, financial and other arrange-

ments and that I be requested to report to Council on June 28 on further progress by Campeau Corporation in resolving the outstanding issues with the TTC and Metro and whether it will be possible to make appropriate provision in the Master Agreement to protect the City's interests at that time.

3. That City Council approve the resolution of the Scotia Plaza daycare commitment as described in this report.

4. That the applicants be advised to seek the assistance of the Co-ordinators of the Task Force on Workplace Daycare respecting implementation of the daycare commitment including the management and operation of the daycare centre, and that I report further on this for the information of City Council.

5. That the applicants evaluate further the wind conditions on the exterior playspace for the daycare facility in developing detailed landscaping plans for the proposed Scotia Plaza development and that I report on any ameliorating actions that may be required in my further report on the detailed landscaping plans.

6. That City Council strike out recommendation No. 6 of my March 2 report and the recommendation of my March 6 report respecting Scotia Plaza daycare contained in Neighbourboods Committee Report No. 8, Clause 32, as amended by City Council on April 16, 1984 and that Land Use Committee strike our Recommendation No. 6 of my March 2, 1984 report.

7. That the City Solicitor be requested to advise Council on whether the conveyance of Johnson Street and the subject portion of the City lane to the applicant has been completed, prior to consideration by City Council of the necessary bills for the proposed amendments to the Official Plan and Zoning By-law and related agreements.

8. That City Council approve the making of a Master Agreement between Scotia Realty Limited and The Bank of Nova Scotia Properties Inc., Campeau Corporation, The Corporation of the City of Toronto, Citicom Inc., and Royal Bank Realty Inc., to give effect to the recommendations in the body of this report respecting the Master Agreement.

9. That:

(a) when the agreements necessary to implement this report on Application No. 1633, Scotia Plaza, and further reports referred to herein, and my separate report dated June 22, 1984 on Amendments to the Building Scheme Agreement and other matters related to Application No. 1629, Waterpark Place, have been executed, and after the Heritage Easement Agreements for 44 King Street West, 303 Bay Street, 102 and 106 Yonge Street, contained in my separate reports have been executed and registered against the title to the lands to which they apply;

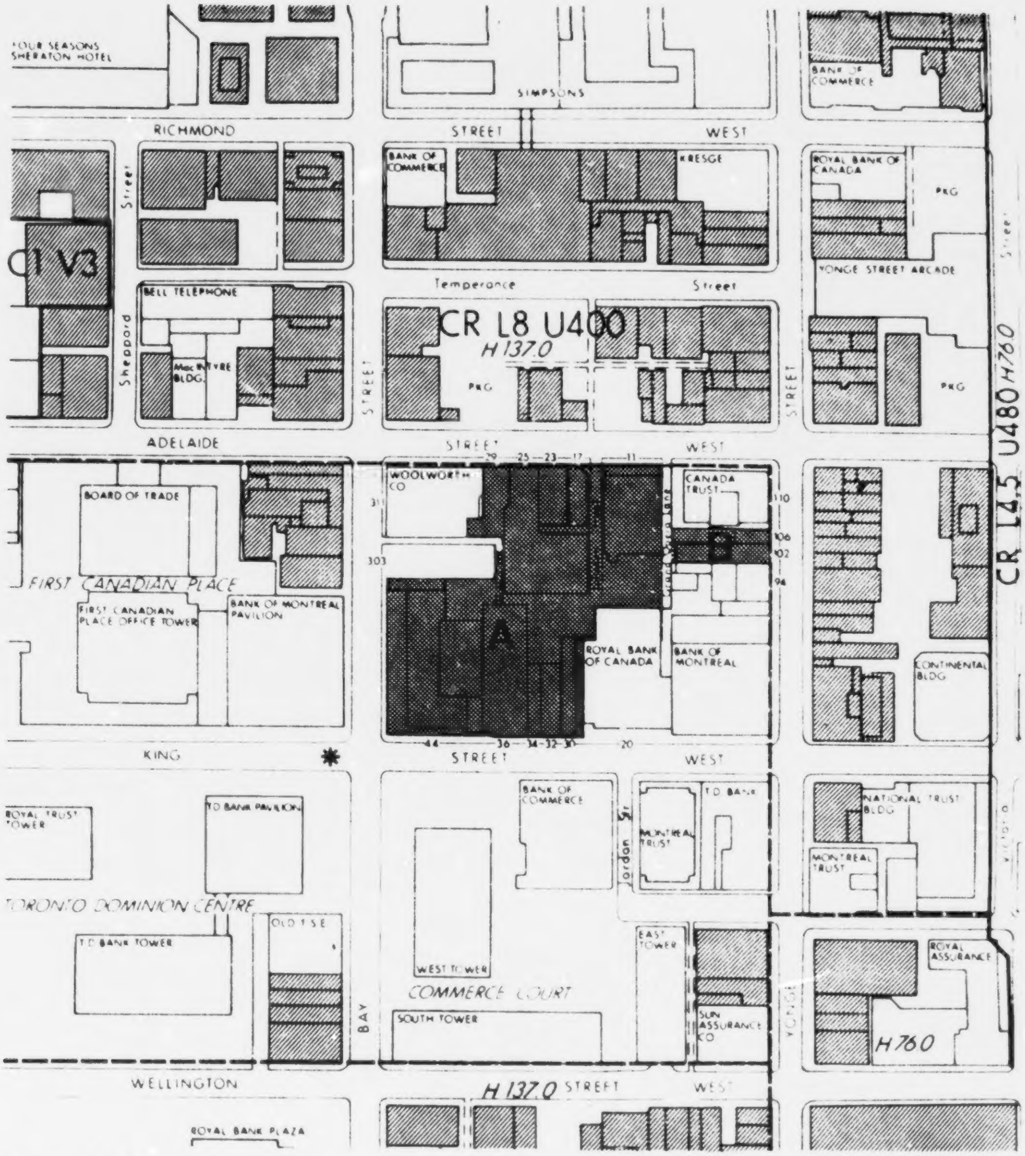
(b) after City Council has been advised by the City Solicitor that the conveyance of Johnson Street and the portion of the lane referred to in this report has taken place or alternatively, the necessary funds have been provided from some source to complete the purchase of 21 Princess Street; and

(c) after City Council has approved plans and drawings for the Scotia Plaza development lot under Section 40 of the Planning Act;

subject to City Council passing the amendments to By-law No. 255-69, as amended, as recommended in my concurrent reports on Waterpark Place, dated March 2, 1984, May 4, 1984 and June 22, 1984, at the same meeting as the amendments to the Official Plan and Zoning By-law contained in my separate report on Scotia Plaza, dated June 22, 1984, entitled "Draft By-laws and Official Plan Amendments for the Scotia Plaza Development, Application No. 1633", if recommended by the Land Use Committee to City Council, that Council enact the proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place and that leave be granted for the introduction of the necessary Bills to give effect thereto.

10. That the appropriate civic officials be authorized to take the necessary action to give effect to this report.

11. That Council grant authority to amend the Heritage Easement Agreement for the Wood Gundy facade as adopted by Council on June 11, 1984 as Clause 18, Land Use Committee Report No. 12, by deleting the date December 7, 1985 in Section 12.1 (a) and substituting therefore the date December 31, 1984.


FOUR SEASONS SHERATON HOTEL
SIMPSONS
RICHMOND
STREET
WEST
BANK OF COMMERCE
BANK OF COMMERCE
KRESGE
ROYAL BANK OF CANADA
PKG
C1 V3
Street
Sheppard
Temperance
Street
YONGE STREET ARCADE
BELL TELEPHONE
MacINTYRE BLDG.
CR L8 U400
H 137.0
PKG
PKG
STREET
STREET
CR L4.5 U480 H76.0
Street
ADELAIDE
STREET
WEST
29
25
23
17
11
WOOLWORTH CO
CANADA TRUST
BOARD OF TRADE
311
303
110
106
102
94
B
FIRST CANADIAN PLACE
FIRST CANADIAN PLACE OFFICE TOWER
BANK OF MONTREAL PAVILION
A
ROYAL BANK OF CANADA
BANK OF MONTREAL
CONTINENTAL BLDG
44
36
34
32
30
20
KING
STREET
WEST
ROYAL TRUST TOWER
TD BANK PAVILION
BANK OF COMMERCE
T.D. BANK
MONTREAL TRUST
Jordan St
NATIONAL TRUST BLDG
MONTREAL TRUST
TORONTO DOMINION CENTRE
T.D. BANK TOWER
OLD T.S.E.
WEST TOWER
EAST TOWER
ROYAL ASSURANCE
COMMERCE COURT
BAY
SOUTH TOWER
SUN ASSURANCE CO
YONGE
H76.0
WELLINGTON
H 137.0 STREET
WEST
ROYAL BANK PLAZA

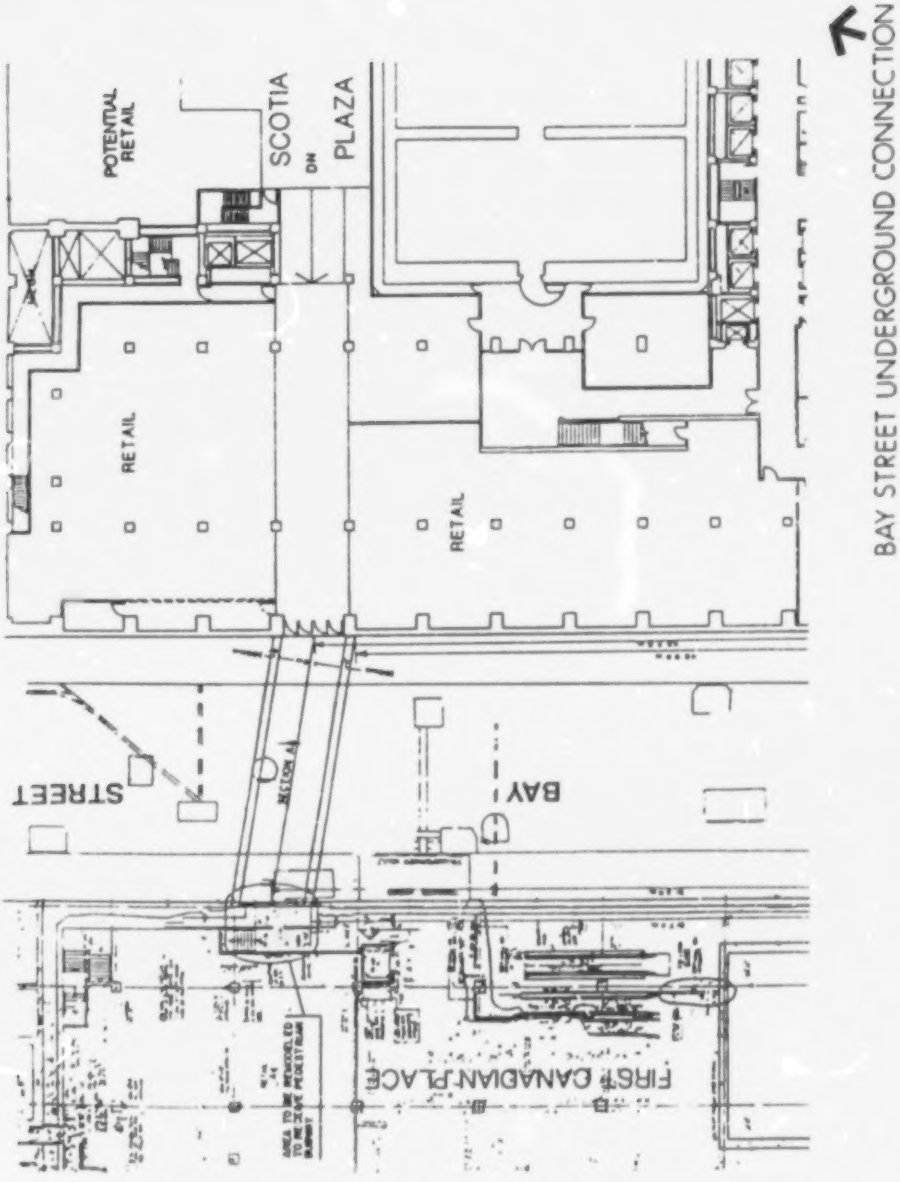
PLANNING DISTRICT DOWNTOWN
ZONING MAP SHEET 50G 323
WARD 6
O.P. DESIGNATION FINANCIAL DISTRICT
✱ AREAS WHERE THE ZONING BY LAW DOES NOT IMPOSE A HEIGHT LIMIT

▨ [illegible]
A & B ▨ OVERALL DEVELOPMENT SITE
B ▨ PROPOSED DAYCARE CENTRE

30-44 KING ST W., 11-29 ADELAIDE ST. W.
303 BAY ST. & 102-106 YONGE ST.
PRESENT ZONING AND LAND USE **1**

APPLICATION No. 1633
ASSIGNMENT No. 545/11633
DRAWN BY B.N. & H.A.E. & F.L.
SCALE 1:2400 MAY 1984
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

MW
A


POTENTIAL RETAIL
SCOTIA ON PLAZA
RETAIL
RETAIL
STREET
BAY
SECTION A1
FIRST CANADIAN PLACE
AREA TO BE REMODELLED TO RE-ZONE PEDESTRIAN

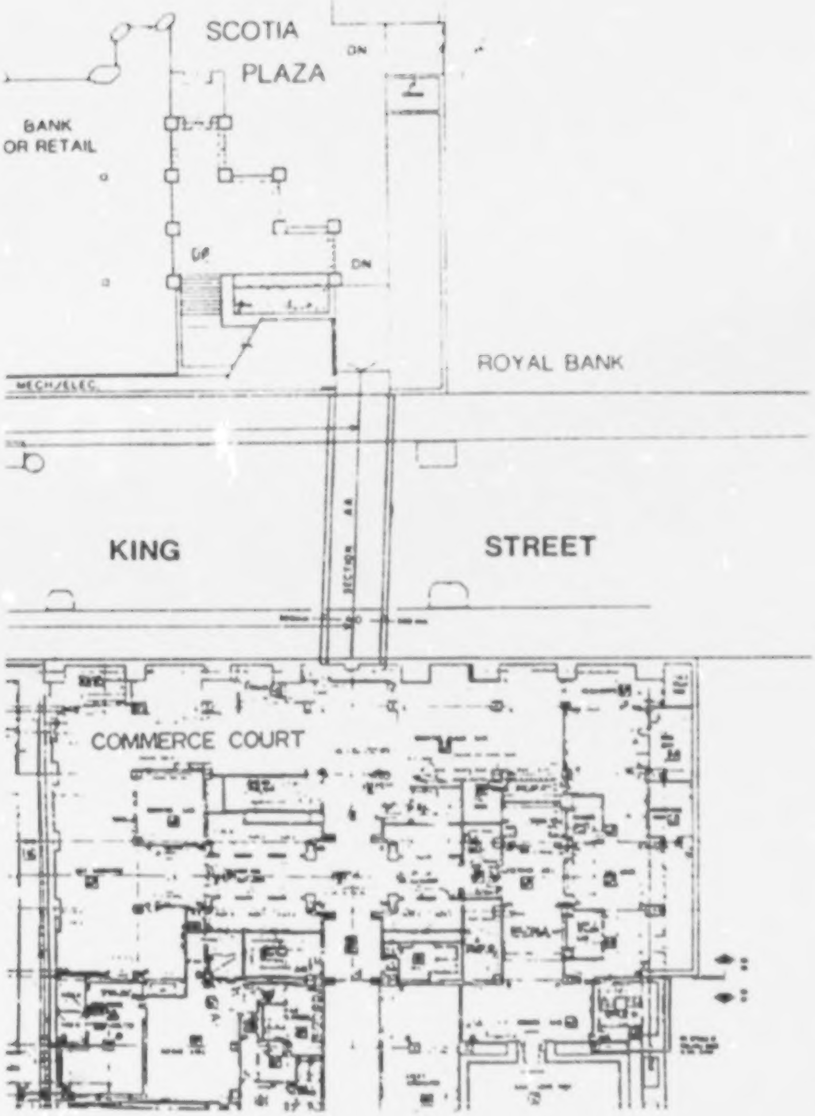
BAY STREET UNDERGROUND CONNECTION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CITY AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
JUNE 1984

2


SCOTIA
PLAZA
DN
BANK
OR RETAIL
UP
DN
ROYAL BANK
MECH/ELEC.
KING
STREET
SECTION A-A
COMMERCE COURT

3

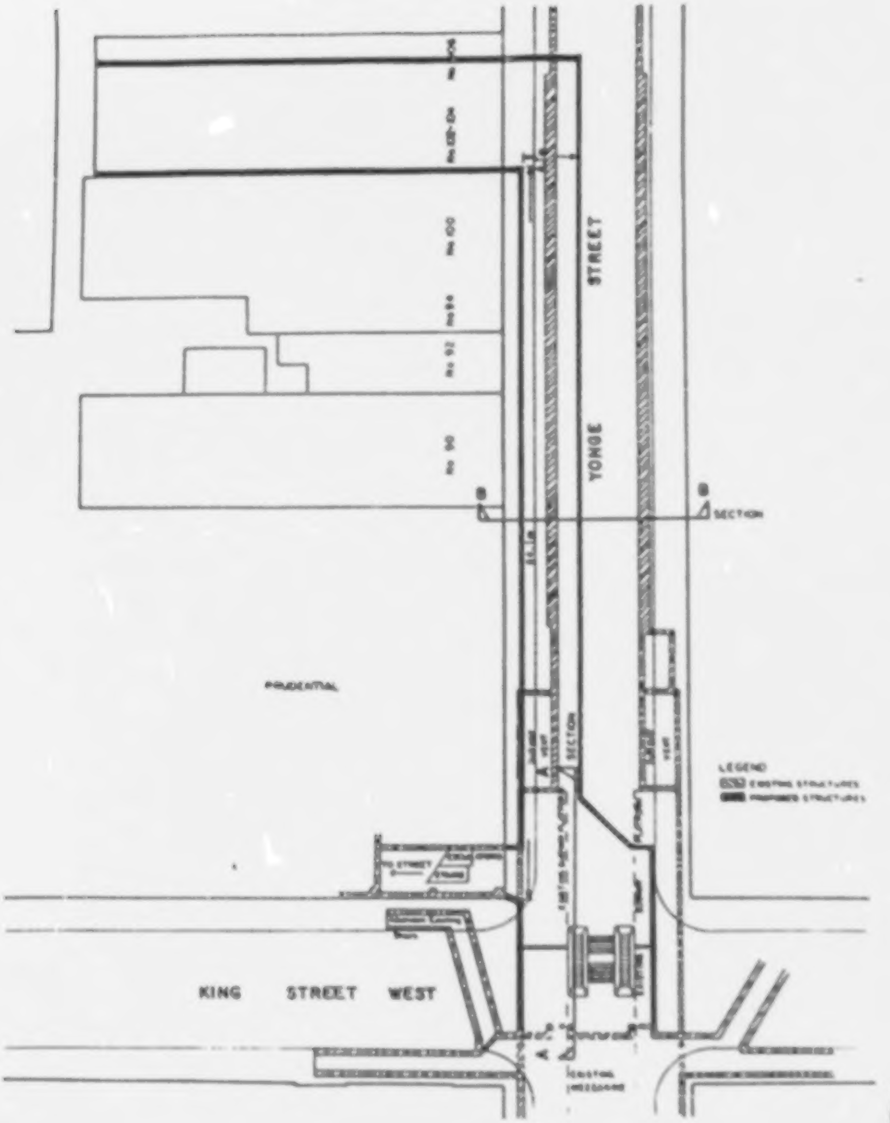
KING STREET UNDERGROUND CONNECTION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL AREA AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

JUNE 1982


YONGE STREET
KING STREET WEST
PRUDENTIAL
No 90
No 92
No 94
No 100
SECTION
B
A
LEGEND
EXISTING STRUCTURES
PROPOSED STRUCTURES
EXISTING ENTRANCE

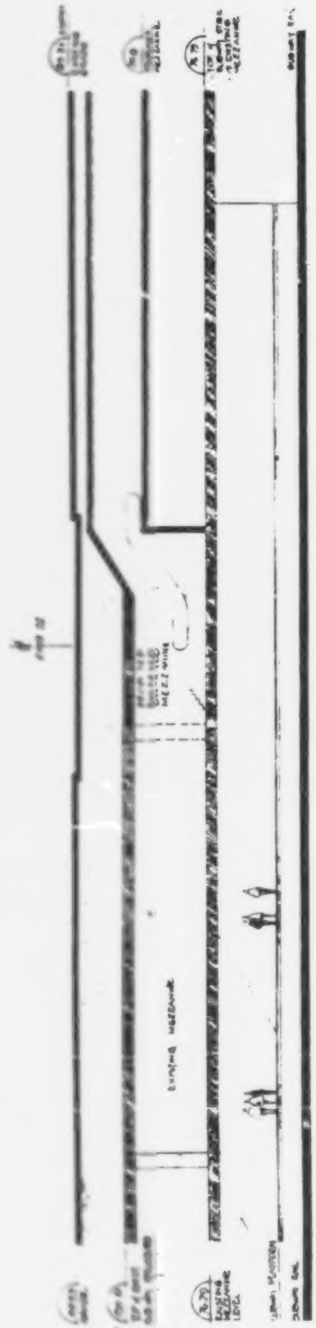
4

YONGE STREET SUBWAY CONNECTION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL AREA AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
JUNE 1982



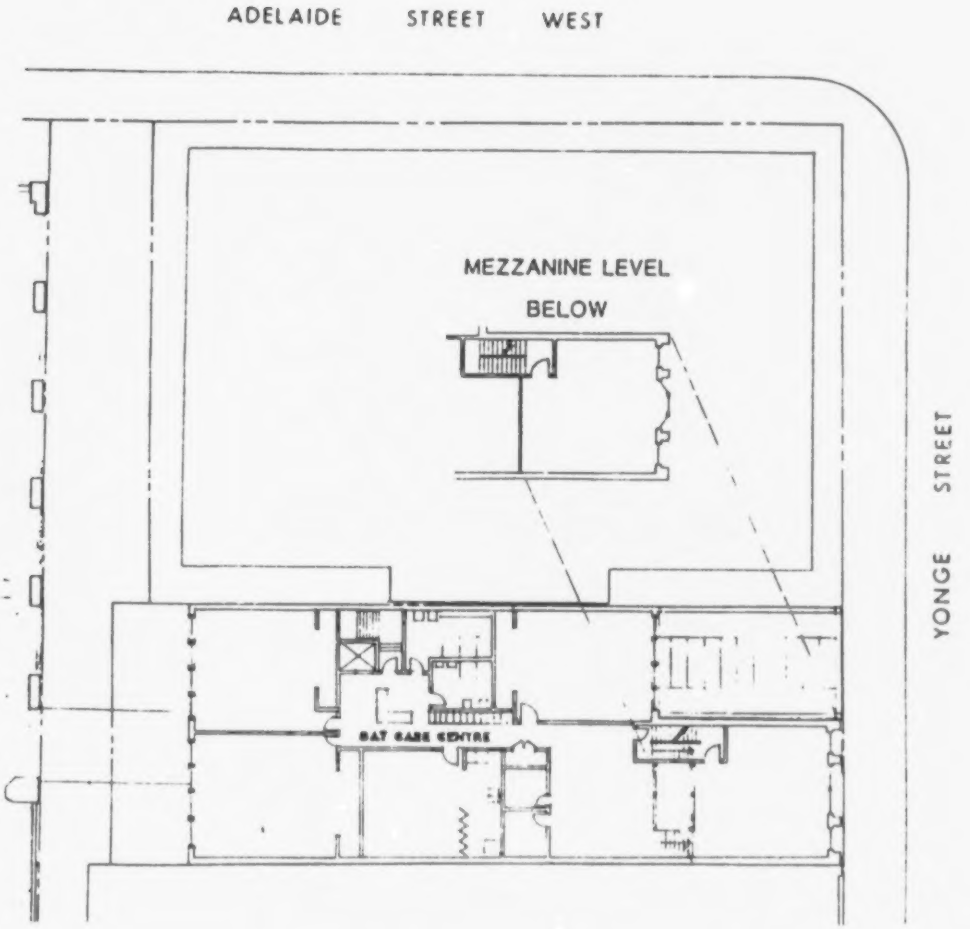
SUBWAY CONNECTION CROSS SECTION

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
JUNE 1984

5


ADELAIDE STREET WEST
MEZZANINE LEVEL BELOW
DAY CARE CENTRE
YONGE STREET

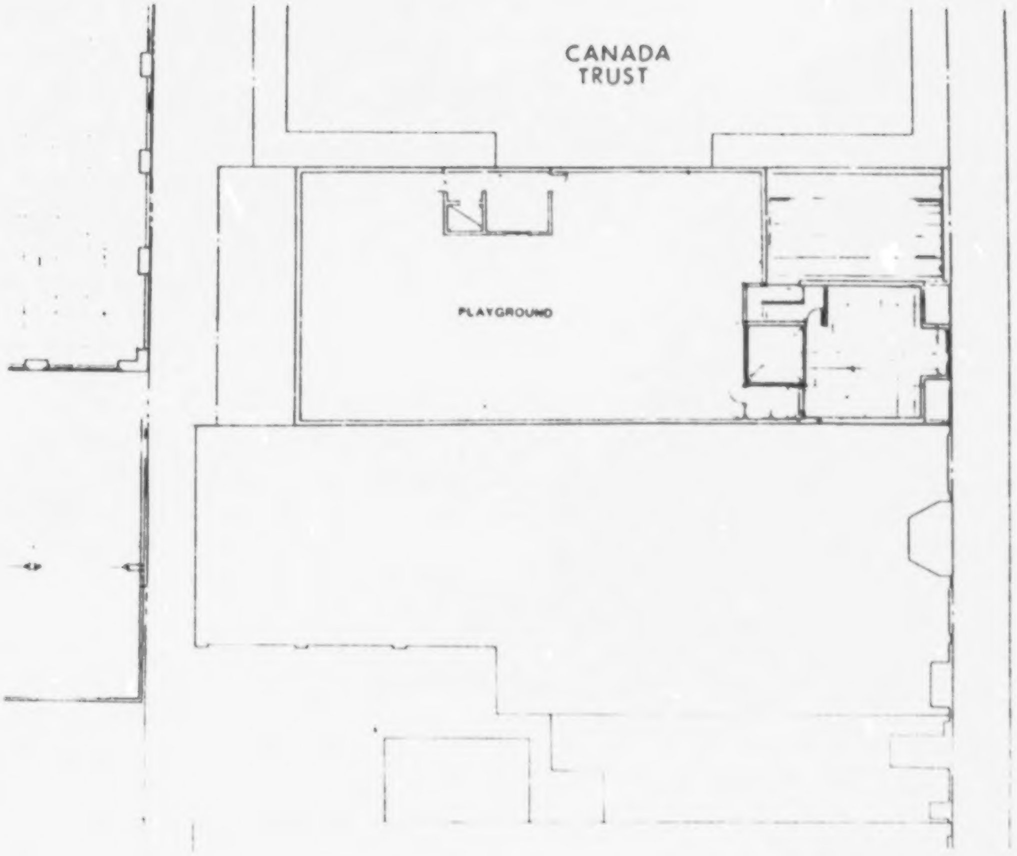
6

SECOND FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D) (DR-6)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984


CANADA TRUST
PLAYGROUND
YONGE STREET

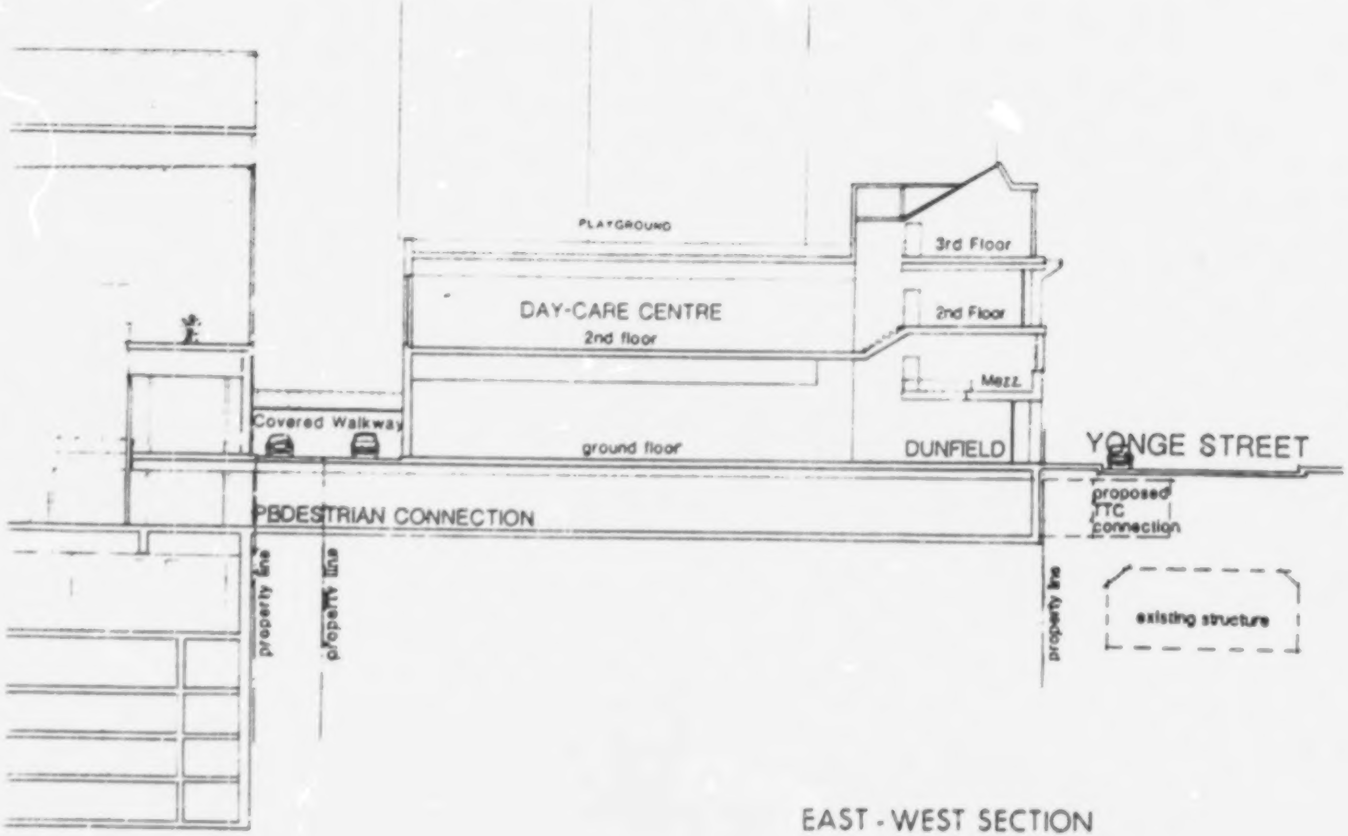
7

THIRD FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D) (DR-5)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1984


PLAYGROUND
3rd Floor
2nd Floor
Mezz.
DAY-CARE CENTRE
2nd floor
Covered Walkway
ground floor
DUNFIELD
YONGE STREET
PEDESTRIAN CONNECTION
proposed
TTC
connection
property line
property line
property line
existing structure

EAST - WEST SECTION

APPLICANT'S PROPOSAL (REV'D) (DR-14)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1984

Appendix A

Letters Re: Transportation Impact (Section 5)

Letter from the Commissioner of Metropolitan Planning Department to the Commissioner of Planning and Development (Dated: March 22, 1984)

"We have reviewed your final report of March 2, 1984, regarding Application No. 1633, Scotia Plaza. We note that other than by appending for information, the Metropolitan Planning Department comments of July 11, 1983, on Page 64 of the report, there is no apparent reference to our position. Specifically, we recommended that the Official Plan amendment be worded to state explicitly that the density bonus granted for the preservation of the historic structure is subject to the availability of adequate transportation facilities to serve the development. While we recognize that density bonusing is considered always on a site specific basis, the recommendaiton was forwarded to ensure that a precedent is not established in any manner. (We note that our July 11 comment indicated that the existing Metropolitan transportation system can accommodate the development; hence there was no objection.)

Ultimately, the proposed amendment will be forwarded to this Department for Metropolitan comment by the Minister of Municipal Affairs and Housing. it will be necessary to put a report before the Economic Development and Planning Committee. It is our present view that any such report should raise the same concerns and recommend the same solution put to you previously in the aforementioned letter.

We appreciate that there may be certain reasons for not including our recommendation in the currently proposed amendment. Accordingly, before we are required to report to our Committee, we would appreciate your further comments respecting the potential precedent we perceive and our recommendation to address it in this instance."

Letter from the Commissioner of Planning and Development to the Commissioner of Metropolitan Planning Department (Dated: May 24, 1984)

"In your letter dated March 22, 1984 you request my further comments on the concern you raised in your July 11, 1983 letter respecting the granting of a density bonus for the preservation of the historic buildings to be retained in conjunction with the Scotia Plaza development. These include the Bank of Nova Scotia at 44 King Street West, the National Club at 303 Bay Street, the Dunfield building at 102 Yonge Street. In addition, the facade of the Wood Gundy building (presently at 36 King Street West) is to be dismantled and re-erected as the facade of a small scale building on Adelaide Street West, although no density bonus is proposed for this component. The co-applicants have agreed to enter into Heritage Easement Agreements for all four historic buildings to ensure their preservation. In addition, the proposed overall density would be conditional on the historic buildings continuing to exist.

In your July 11, 1983 letter you stated that "analysis by staff indicates that the Metropolitan transportation system, as existing, can accommodate the development" and you concurred that "every reasonable means be taken to ensure the preservation of the Bank of Nova Scotia building".

The Scotia Plaza proposal reflects significant revisions to the applicants' earlier approach that would have resulted in demolition of all the historic buildings on the development site and the erection of a new office tower at the corner of King and Bay Streets.

As you are aware, the City is very limited in its powers to prevent the demolition of historic buildings. Under the provisions of the Ontario Heritage Act, the City may refuse to issue a demolition permit for a maximum of 270 days after a building has been designated. Otherwise, preservation of historic buildings depends entirely on the owner's agreement.

In response to my concerns and those of the Toronto Historical Board respecting the desireability of retaining the historic buildings and integrating the new development with them, the applicants agreed to revise their plans and to work with City staff to ensure that the proposed new development would be accommodated in an appropriate manner.

In this case, the Bank of Nova Scotia and Campeau Corporation agreed to the retention of all four historic building provided that the historic bonus was increased to cover all four buildings, not just a portion of the Bank building at 44 King Street West which would result from application of the general provisions of the Official Plan, representing an extra 24 957 sq.m. (268,644 sq.ft.). Considering the architectural and historical significance of these four buildings, I recommended that such an additional bonus for the historic buildings be provided in the proposed Official Plan Amendment for Scotia Plaza.

As far as the concern you raise about the theoretical possibility of redevelopment at 20 times coverage on the lands now occupied by the Toronto Dominion Centre, Commerce Court and First Canadian Place, you correctly note that no redevelopment of those sites is contemplated at this time. None of the buildings is presently designated under the Ontario Heritage Act. If, as you suggest, economic and market factors in the future completely upset today's logic, and result in pressure to redevelop at twenty times coverage the three developments that now symbolize the financial core of the Country, I would assume that these forces would also result in major changes to the planning rules.

You recommended in your July 11, 1983 letter that the proposed site-specific Official Plan Amendment for Scotia Plaza provide that the extra historic building bonus be subject to the availability of adequate transportation facilities to serve the development.

To ensure that the density permitted on the Scotia Plaza site by the proposed Official Plan Amendment is developed in a satisfactory manner, my recommendations, as adopted by the Land Use Committee at its meeting on March 7, 1984 and May 16, 1984, provide for consideration of approval by City Council at a single meeting of all the necessary by-laws to amend the Official Plan and Zoning By-law and related agreements, including plans and drawings and Development Agreement under Section 40 of the Planning Act.

I am enclosing a copy of my report, dated May 14, 1984, to the Land Use Committee entitled "Critical Path for Scotia Plaza and Waterpark Place: Earliest Dates for Key Steps to Approval", which was adopted by the Land Use Committee at its meeting on May 16, 1984. I am also attaching a copy of my supplementary report to City Council, dated May 11, 1984, adopted by City Council at its meeting on May 14, 1984, which amended the recommendations of my Final reports, dated March 2, 1984 on Scotia Plaza and Waterpark Place. The effect of Land Use Committee and City Council adopting my above-mentioned reports is that the proposed amendments to the Official Plan and Zoning By-law and the plans and drawings of the proposed development are to be considered by City Council at the same meeting of Council - July 16, 1984, at the earliest.

This is not a situation where the Official Plan Amendment is to be followed later by the enactment of an amendment to the Zoning By-law to implement it. All approvals necessary from City Council are to be granted simultaneously. Further, develoment approval under Section 40 of the Planning Act, in accordance with an approved by-law, cannot be withheld because of transportation capacity when development actually occurs. Therefore, it would be inappropriate to incorporate the wording you proposed in the proposed amendments to the Official Plan for Scotia Plaza.

Given your opinion that the Metropolitan transportation system can accommodate this specific development and your support for using every reasonable means to ensure the preservation of the Bank of Nova Scotia building, in particular, I would request any assistance you can provide respecting the necessary approvals by the Municipality of Metropolitan Toronto of the proposed Official Plan Amendments and in ensuring the communication of such approvals to the Ministry of Municipal Affairs and Housing at your earliest convenience."

Letter from Commissioner of Metropolitan Planning Department to Alderman Jack Layton (Dated: June 8, 1984)

"By letter of June 4, 1984, and similar letters to Mr. Savage and Mr. Cass you have requested that we indicate concerns which we may have identified through examination of the proposal. As you may be aware, the Planning Department normally comments to the City's Planning and Development Department on such applications and in doing so co-ordinates a Metropolitan response based upon information and matters raised through the circulation process.

The Scotia Place Development Proposal has been discussed again recently among Mr. Savage, Mr. Cass, myself and other Metropolitan Officials. Our position essentially remains that expressed to Mr. McLaughlin by letter of July 11, 1983 (copy attached). In summary of that letter I note the following.

1. The land uses proposed (mainly office and retailing) are not a concern.

2. The density required careful consideration. In this respect our analysis indicated that the Metropolitan transportation system could accommodate the movements of persons, goods and vehicles resulting from the development. By way of further detail of that conclusion I note that the physical design of the proposal has gone through several revisions whereby vehicular access questions of the Roads and Traffic Department (primarily related to loading facilities), have been satisfactorily resolved. Also the T.T.C. has been involved in discussions pertaining to direct corridor connections to the Yonge Street subway line at the King Station. This matter also appears to be moving to a satisfactory resolution and would be detailed through building permit application approvals (and perhaps site plan approval).

3. The historic bonusing may set a precedent. We therefore recommended that the Official Plan Amendment be worded in a manner which explicitly relates the bonus to the adequacy of the transportation system. This recommendation is parallel to statements which are contained in the Official Plans of the City's of North York and Scarborough and has been found to be quite satisfactory from both the Metropolitan and area municipality perspective.

I am advised that the proposal is expected to be considered by City Council on June 28th.

Should City Council approve an amendment I expect to report thereon to the Metropolitan Executive Committee shortly thereafter.

Mr. Savage and Mr. Cass concur with this letter."

Letter from the Commissioner of Metropolitan Planning Department to the Commissioner of Planning and Development (Dated: July 11, 1983)

"As requested, we have evaluated the above-noted preliminary proposal within the context of Metropolitan development and planning principles and policies.

The uses proposed and the drawings dated April 20, 1983, which Metropolitan officials have reviewed, do not present a concern from our perspective. However, the density proposed is a matter requiring careful consideration.

Analysis by staff indicates that the Metropolitan transportation system, as existing, can accommodate the development. However, if the same principle of granting a bonus density equal to the floor area of the existing historic structure were applied in future to other sites in the area, then very serious transportation concerns could emerge. By way of illustration, we note that the Toronto Dominion Centre, First Canadian Place and Commerce Court have approximate floor space indices of 11.8, 12.0 and 13.7 respectively. Each of these developments has architectural merit and in the future will be recognized as historically signficiant. Theoretically, the equivalent bonus system could result in an average floor space index of about 20 on those three sites. While probablility of redevelopment of those sites is in no way contemplated at this time, we nevertheless suggest that unforeseen economic and market pressures of the future may completely upset today's logic. We must therefore examine any precedent which may be established by the proposal.

It is our understanding that Section 1A.42(b) of the City of Toronto Official Plan permits the provision of a bonus density of 2.0 times the lot area within the Financial District for the purposes of historic preservation. In this instance, the allowable density would be increased by an amount equivalent to 4.3 times the lot area, or in this case, the amount of gross floor area equal to the existing building. It appears that the additinoal bonus has been granted because of the special difficulties, site planning problems and additional costs the applicant must bear to stabilize and refurbish the bank structure, and to effectively integrate it with the new component of the development. Moreover, the applicant, by preserving the existing building and related historic facades and integrating creatively with new development, will significantly maintain a portion of the so called "Bay Street Canyon" and ensure a built form and skyline consistent with and appropriate to this prominent location.

We concur that every reasonable means be taken to ensure preservation of the Bank of Nova Scotia Building. However, for the reasons stated, we recommend that the Official Plan Amendment required to permit this development be worded in a manner which explicitly states that the density bonus granted for the preservation of the historic structures is subject to availability of adequate transportation facilities to serve the development. In this way, any precedent by granting of such bonus is qualified by a test which would apply to similar sites in the future."

Letter from Mr. Walter Jensen, Campeau Corporation to the Commissioner of Planning and Development (Dated: June 20, 1984)

"Thank you for your letter of June 19, 1984 in which you acknowledge our letter of June 18th regarding the proposed subway connection between the King Street Station and the Scotia Plaza.

We have kept you and your staff informed of our discussions with the TTC over the past 18 months and have provided you with ample evidence of the general agreements we have reached with the Commission. A number of points raised in your letter cannot be definitively answered at this time and should not, in our opinion, be viewed as conditions precedent to the Master Agreement. We have, however, had our Consultants, IBI, discuss the contents of your letter with Mr. Sweezie of the Commission and hope that the following response to your questions will satisfy your requirements vis a vis your pending report to the Land Use Committee.

1. Campeau Corporation has developed a plan for the subway link in consultation with staff of the Toronto Transit Commission (TTC) and other agencies. This plan is now being circulated to all agencies and utilities through the Public Utilities Coordinating Commission.

2. The principles of the allocation of the costs of such links have been set by precedent. Basically, the developer is responsible for the linkage to the subway station. In this case, therefore, Campeau will be responsible for constructing and operating the pedestrian linkage to the subway station. Beyond this, there is some cost sharing to be worked out on this project in that an enlarged mezzanine level has been planned by the Commission for a new link to King Street which would also be utilized by the pedestrian connection from Scotia Plaza. The details of this cost sharing remain to be worked out with the Commission. Specifically, these arrangements will include participation of the land owner of the property on the northwest corner of King and Yonge.

3. The plan has been developed in consultation with Commission staff and has been commented on by the Engineering and Plant Departments of the TTC. Mr. Sweezie, the Manager of Land Development for the TTC, has indicated that he is recommending the scheme to the Commission as well as the commencement of the negotiation of the appropriate construction and operating agreements.

4. With respect to the expanded mezzanine area and the proposed new exit to King Street, the TTC did have funds set aside for this project in their capital budget. However, they could not reach an agreement with the property owner of the northwest corner of King and Yonge Streets and this item was subsequently removed from the capital budget. To accomplish the proposed improvement to the mezzanine, an agreement will have to be developed which will include the TTC, Campeau Corporation and the owner of this property. We understand that the TTC and the property owners are now discussing possible configurations and arrangements. We cannot control the pace of these discussions.

5. Because of the need for agreement by the Commission itself as to the possible cost sharing arrangements, complicated by the TTC's need to reach an agreement with the property owner, we do not anticipate that a definitive agreement will be in place by the June 26th Land Use Committee meeting. However, it is the TTC's general policy to accept connections from major developments into subway stations as long as the major cost is borne by the applicant.

6. With respect to the anticipated timing of the construction of this link, we intend to undertake it in conjunction with the work on the 102-106 Yonge Street site. As such, this construction work would start during the Fall of 1985. It will be completed when the office tower opens in the Fall of 1987.

If you require further information, please do not hesitate to call upon us."

Appendix B

Letters Re: Pedestrian Connections (Section 6)

Letter from Mr. H. M. Sweezie, Toronto Transit Commission (Dated: June 4, 1984)

"This letter confirms and summarized several meetings held over the past two years with respect to the proposed new subway entrance connection into King Station from the Scotia Plaza Development project.

In response to your letter dated May 24, 1984, I would state as follows:

1. It was agreed that a subway entrance connection from Scotia Plaza would be an item of positive improved public convenience in the area;
2. It was stated that I would be pleased to recommend to the Commission, for approval, that such an entrance connection be constructed on the following terms and conditions:
   a) that the proposed new entrance be constructed and finished at no cost to the Commissiner or to Metro;
   b) that a letter formally requesting the new entrance connection be submitted to Mr. D. C. Phillips, General Secretary of the Commission, by the owners, for their designated representative;
   c) that detail drawings for the new entrance connection be submitted to the Commission for approval prior to the commencement of any construction;
   d) that a legal operating agreement will be required to be executed between the owners and the TTC, prior to the commencement of construction, which will set out; among other items, our respective areas of responsibility for security, maintenance and public liability;
   e) that the owners will obtain all easements, licences, or permits and complete any agreements as required by Metro of the City of Toronto for the proposed passageway under Yonge Street;
3. The TTC review of the preliminary drawings and conceptual plans indicates that a subway entrance connection into the north wall of King Station mezzanine is feasible and apears to be structurally acceptable, subject to the approval of detail drawings;
4. It is understood that IBI Group or ohters were checking the feasibility of the new interconnecting structure as it relates to existing underground services located within the street allowance of Yonge Street;
5. Of the two locations for the interconnecting passageway under Yonge STreet, Scheme 'A', under the west sidewalk (approximately), was preferred from an ease of construction and cost point of view.

During our discussions, it was also pointed out that the Commission was desirous of obtaining an installation of escalators to surface, associated with its existing entrance at the northwest corner of King and Yonge Streets, and that it might be timely to consider combining the two projects.

For your information, we have recently been advised that the Prudential Insurance Comany will be vacating the premises on the northwest corner of King and Yonge Streets, in the near future.

If I can be of further assistance, please do not hesitate to contact me."

Letter from Bruce Pickersgill, Campeau Corporation to Mr. D. C. Phillips, TTC (Dated: June 18, 1984)

"Campeau Corporation and the Bank of Nova Scotia are about to begin construction of the Scotia Plaza office development. Included in the plans for this project is a pedestrian link to the King Street subway station. The plans for this proposed link have been circulated with the staff of the Commissioner through Mr. Howard Sweezie. (See attached corresondence, from H. Sweezie to C.A. Beach, June 4, 1984). Comments on the design by your engineering staff have been taken into account in the development of the final plan which is attached.

This plan is currently being circulated through the Public Utilities Coordinating Committee and, in fact, we have received clearance from Mr. R.I. Kingston, the manager of the Plant Department, with respect to its clearance from the structure of the subway operation itself. (see attached correspondence from R.I. Kingston to Beinhaker/I.B.I. Group, June 11, 1984)

Campeau Corporation wishes to enter into an agreement with the Commissioner to build and operate this pedestrian link. As we have discussed with TTC staff, the major cost of this development would be borne by us. There will, however, be some cost-sharing arrangements to be worked out with respect to the enlargement of the mezzanine area of the King Street subway station in light of the Commission's plans to improve this area to facilitate access to street level.

This link is an integral part of our development and should relieve the present congestion at the King Street Station. It should be in operation by the time the major part of the office development is completed. We therefore expect to have the structure of the link completed by the time of the topping off of the tower. Finishing will take place at the same time as finishing of the building.

We would be very pleased to discuss this more fully with your staff and to arrange for the necessary contractural relationship with respect to operating agreements and construction."

Letter from Mr. Lee S. Sims, I.B.I. Group (Dated: June 18, 1984)

"As we have discussed Campeau Corporation is planning three underground pedestrian links as part of the Scotia Plaza Development. These three links are:

- from the east part of the development under Yonge Street to the King subway station;
- from the southern edge of the development under King Street to the Commerce Court Development
- from the western part of the development under Bay Steet to First Canadian Place.

I attach plans of these three pedestrian links. These plans are those that are now being processed through the Public Utilities Coordinating Committee to ensure that their are not technical and structural problems which might interfere with the achievement of these links. As outlined to us by City Public Works which coordinates this activity, the procedure to develop an agreement for links under municipal roads such as these is made up of the following steps:

1. Circulation of plans to all agencies through the Public Utilities Coordinating Committee.
2. Plans are returned to the City of Toronto Street Allowance Branch marked with the comments of the agencies.
3. The Street Allowance Branch incorporates all the comments and informs the proponent.
4. The proponent responds to these comments.
5. Agreement is reached between each agency and the proponent.
6. City Public Works Department prepares a report for City Council.
7. City Council directs the City Solicitor to draw up an agreement between the City and the proponent.

According to the Public Works Department the first three steps normally require from six to eight weeks. We are in this process now, having submitted plans on approximately May 22,. As we understand it, comments have been received from several agencies to date.

Campeau Corporation has also made application to the Toronto Transit Commission to enter into an agreement for the construction and operation of the King subway station link. Campeau Corporation has committed itself to construct this link as part of the first stage of the project. With respect to the other two links, discussions have been held with civic agencies and with other interested parties as to cost sharing and other matters.

We are proceeding to finalize the plans and construction schedules for these pedestrian links. We will update you in the days ahead."

Letter from the Commissioner of Planning and Development to Mr. Walter Jensen, Campeau Corporation (Dated: June 19, 1984)

"I acknowledge receipt of the letter dated June 18 from Bruce Pickersgill to me respecting the proposed connection to the King Street subway station, which partially responds to the request contained in my letter dated June 14, 1984 for information respecting your arrangements to provide access to the King Street subway station.

Your letter to Mr. D. C. Phillips, of copy of which you provided me, enclosed a copy of the "final plan" for your proposed pedestrian link to the King Street subway station. You also indicated in the letter to Mr. Phillips that Campeau Corporation wishes to enter into an agreement with the Toronto Transit Commission to build and operate the pedestrian link with the "major costs" being borne by Campeau and some "cost-sharing arrangements to be worked out with regard to the enlargement of the mezzanine area of the King Street subway station".

Has the "final plan" been approved by the Commission?

Have you made a specific proposal to the Commission with regard to the extent of Campeau's contribution to the pedestrian link and with regard to cost-sharing arrangements concerning the enlargement of the mezzanine area of the King Street subway station and new escalators and stairs from the station to the surface?

If the "final plan" has not been approved, do you expect it to be approved before the Land Use Committee meeting scheduled for June 26, 1984?

If financial arrangements have been proposed by you to the TTC, are they acceptable to either the staff or the Commission, specifically or in principle?

Has the Commission made provision for its share of the capital cost of these projects in its budget or in its forecast? If it has not done so when do you expect it to do so?

Has the question of the timing of the construction and completion of the pedestrian link been settled to the satisfaction of the TTC? If not, when do you expect it to be settled?

In your letter to me dated June 18, 1984 you state:

"As far as appropriate details of the arrangements between the City of Toronto and Campeau Corporation with respect to the connection are concerned, we would expect these to be submitted to use from your Department for our review as a part of the Master Agreement."

As I indicated to you in my letter dated June 14, 1984, it is not possible to prepare Master Agreement provisions until you provide us with answers to the questions raised in this letter and my June 14 letter.

Since we must report to the Land Use Committee on Friday, June 22, I would request you to respond immediately to this letter."

Letter from Mr. Walter Jensen, Campeau Corporation to the Commissioner of Planning and Development (Dated: June 20, 1984)

"Thank you for your letter of June 19, 1984 in which you acknowledge our letter of June 18th regarding the proposed subway connection between the King Street Station and the Scotia Plaza.

We have kept you and your staff informed of our discussions with the TTC over the past 18 months and have provided you with ample evidence of the general agreements we have reached with the Commission. A number of points raised in your letter cannot be definitively answered at this time and should not, in our opinion, be viewed as conditions precedent to the Master Agreement. We have, however, had our Consultants, IBI, discuss the contents of your letter with Mr. Sweezie of the Commission and hope that the following response to your questions will satisfy your requirements vis a vis your pending report to the Land Use Committee.

1. Campeau Corporation has developed a plan for the subway link in consultation with staff of the Toronto Transit Commission (TTC) and other agencies. This plan is now being circulated to all agencies and utilities through the Public Utilities Coordinating Commission.

2. The principles of the allocation of the costs of such links have been set by precedent. Basically, the developer is responsible for the linkage to the subway station. In this case, therefore, Campeau will be responsible for constructing and operating the pedestrian linkage to the subway station. Beyond this, there is some cost sharing to be worked out on this project in that an enlarged mezzanine level has been planned by the Commission for a new link to King Street which would also be utilized by the pedestrian connection from Scotia Plaza. The details of this cost sharing remain to be worked out with the Commission. Specifically, these arrangements will include participation of the land owner of the property on the northwest corner of King and Yonge.

3. The plan has been developed in consultation with Commission staff and has been commented on by the Engineering and Plant Departments of the TTC. Mr. Sweezie, the Manager of Land Development for the TTC, has indicated that he is recommending the scheme to the Commission as well as the commencement of the negotiation of the appropriate construction and operating agreements.

4. With respect to the expanded mezzanine area and the proposed new exit to King Street, the TTC did have funds set aside for this project in their capital budget. However, they could not reach an agreement with the property owner of the northwest corner of King and Yonge Streets and this item was subsequently removed from the capital budget. To accomplish the proposed improvement to the mezzanine, an agreement will have to be developed which will include the TTC, Campeau Corporation and the owner of this property. We understand that the TTC and the property owners are now discussing possible configurations and arrangements. We cannot control the pace of these discussions.

5. Because of the need for agreement by the Commission itself as to the possible cost sharing arrangements, complicated by the TTC's need to reach an agreement with the property owner, we do not anticipate that a definitive agreement will be in place by the June 26th Land Use Committee meeting. However, it is the TTC's general policy to accept connections from major developments into subway stations as long as the major cost is borne by the applicant.

6. With respect to the anticipated timing of the construction of this link, we intend to undertake it in conjunction with the work on the 102-106 Yonge Street site. As such, this construction work would start during the Fall of 1985. It will be completed when the office tower opens in the Fall of 1987.

If you require further information, please do not hesitate to call upon us."

Appendix C

Letters Re: Daycare (Section 7)

Letter from the Honourable Frank Drea, Minister of Community and Scotia Services (Dated: June 1, 1984)

"Thank you for your letter of April 24, 1984 concerning the Neighbourhoods Committee's recommendation entitled "Scotia Plaza Day Care".

I am enclosing a letter, signed by my Local Manager at the Toronto Area Office, which explains our agreement in principle to license this day care centre. We plan to work with both the City of Toronto Planning Department and the Campeau Corporation in order to provide on-site day care which meets the Regulations of the Day Nurseries Act.

You may be assured that my Ministry staff will make every effort to assist in providing on-site work place day care. Thank you for bringing the Neighbourhoods Committee's recommendation to my attention."

Letter from Ms. Celia R. Denov, Local Manager of the Toronto Area Office for the Ministry of Community and Social Services (Dated: May 8, 1984)

"With regard to the "Scotia Plaza Day Care" proposal discussed on May 4, 1984 with Mrs. Wagg and Mrs. Mason of this office, I am in agreement with their decision to approve in principle the proposed plans submitted for a day care centre of approximately 50 children, ages infant to five years. The site will be on the second floor of the "Dunfield building" with a rooftop playground on the third floor.

Our area office staff will be available at any time for consultation to your department and to the Campeau Corporation.

It is an exciting concept to have a day care centre in a large development in the downtown core. I commend both the City of Toronto and the Campeau Corporation for their interest in meeting the needs of working women in supplying workplace day care space."

Appendix D

Master Agreement Provisions

Proposed Daycare Provisions for Master Agreement

1 Scotia Plaza Daycare

With respect to Scotia Plaza and the provision and operation of a daycare centre thereon, the Owner and the Company covenant as follows with the City:

(a) A facility which is suitable for use as a daycare centre accommodating at least fifty (50) children, plans and necessary staff, including all appropriate playground services, bathroom and kitchen and staff facilities and areas (hereinafter called the "Scotia Plaza Daycare Centre"), shall be constructed and fully equipped by the Owner and the Company, at their expense, at the location shown, in accordance with the drawings contained in Schedule "B" attached hereto and in compliance with all relevant Provincial and Municipal legislation, regulations, guidelines and standards. Without limiting the generality of the foregoing, the Owner and the Company will prepare the Scotia Plaza Day Care Centre for use as a daycare facility by constructing all floors, partitions, cupboards, bathroom, kitchen and playground facilities. The Owner and the Company at their expense, will also install or provide necessary furniture, equipment and supplies which are reasonably required in order that a daycare centre may be operated in the Scotia Plaza Daycare Centre at no expense to the operator thereof either before or on the day on which any of the first children enrolled in the daycare centre in fact use it as such.

(b) The construction and equipping of the Scotia Plaza daycare centre shall be completed by the Owner and the Company no later than the earliest to occur of the day on which the first building to be completed on the lands which are more particularly described in Schedule "A" hereto is certified or declared to be complete pursuant to the Construction Lien Act, 1983, and in the absence of the issuance of such a certificate or declaration of completion, the day on which the first tenant occupies space in such building, provided the occurence of the latter day shall be determined by the City in its discretion.

(c) Either prior to the completion of the construction and equipping of the Scotia Plaza Daycare Centre in accordance with this Agreement or, at the latest, on the day which is three (3) months following the day on which the first tenant enters into possession any space within the first building to be constructed on the lands more particularly described in Schedule "A" hereto, as determined by the City in its discretion, the Owner and the Company covenant that they will have applied for the issuance of letters patent incorporating a Corporation without share capital in accordance with and in satisfaction of all requirements in that regardd. The application for letters patent shall provide that the members of the Corporation (hereinafter called the "Daycare Corporation") shall comprise those parents whose children are enrolled in the Scotia Plaza Daycare Centre from time to time. The members of the Daycare Corporation shall also include two persons each of whom is a Corporate officer of the Owner or the Company (or an employee of the Owner and the Company, respectively, whose selection by the Owner or the Company for this purpose is approved by the City), who shall be deemed to represent the employers of parents whose children are enrolled in the Daycare Centre. The objects of the Daycare Corporation shall include the operation on a non-profit basis of the Scotia Plaza Daycare Centre in accordance with applicable Provincial and Municipal legislation and regulations. Prior to making application for letters patent, the Owner and the Company shall prepare the necessary application and supporting material in consultation with the Commissioner of Planning and Development, and shall submit the same for approval by the City prior to submitting the same to the relevant Provincial Department. The Owner and the Company shall modify the application and supporting material, if necessary, so as to satisfy all requirements of the City, provided that such requirements are not contrary to law.

(e) The Owner and the Company shall ensure that the Corporate Officers of the Owner and the Company, respectively (or approved employees), referred to in paragraph 1(e), will be available to serve as members and directors of the Daycare Corporation during the term of the Lease referred to in paragraph 1(g) hereof.

(f) Within three months after this Agreement is made, the Owner and the Company will grant to the City an option to lease the area which is to comprise the Scotia Plaza Daycare Centre (hereinafter called the "Option to Lease") for the purposes setout herein for a term commencing on the later to occur of the following days:

(i) either if the Daycare Corporation is not incorporated in accordance with this Agreement, or if it is so incorporated but the Daycare Corporation quits or refuses to execute the Lease of the Scotia Plaza Daycare Centre for in this Agreement (hereinafter called the "Lease"), the day which is sixty (60) days after the day on which the City determines that the first tenant entered into possession of space within any portion of the first building to be constructed on the lands described in Schedule "A" hereto, and

(ii) the Option Election Day.

The Option to Lease may be exercised by the City giving written notice to the Owner, the Company and, if it has been incorporated, to the Daycare Corporation at any time on or after one of the days hereinafter specified (herein referred to as the "Option Election Day"):

a. the Daycare Corporation is not incorporated in accordance with this Agreement, within six (6) months following the day on which the first tenant enters into possession of any space within the first building to be constructed on the lands more particularly described in Schedule "A" hereto as determined by the City in its discretion, the expiry of such period;

b. the Daycare Corporation is incorporated in accordance with this Agreement, but the Lease to it is not made by the Owner and the Company in accordance with this Agreement within three (3) months following the date of incorporation of the Daycare Corporation, on the expiry of such period;

c. the Daycare Corporation is incorporated, the lease to it is made in accordance with this Agreement and the Daycare Corporation proposes to assign, sub-lease or surrender its leasehold interest created by the Lease and the City determines not to approve such assignment, sub-lease or surrender, the day on which such proposal is communicated to the City pursuant to this Agreement; and

d. the Daycare Corporation does not use the Scotia Plaza Daycare Centre as a daycare centre for at least fifty (50) children for a period of sixty (60) consecutive days or more, on the expiry of such period.

Forthwith after the notice of exercise by the City of the Option to Lease is given and without expense to the City, the Owner, the Company, and if it has been incorporated, the Daycare Corporation shall cause a lease intent to be prepared, executed and delivered to the City to implement the relevant provisions of this Agreement, the Option to Lease, the Lease and the Daycare Agreement and, without charge or expense to the City, shall execute all documents which the City Solicitor considers necessary to give effect to this Agreement. The lease to the City shall be in the form of the Lease appended to the Option to Lease, shall be consistent with the provisions of the Option to Lease, and in the case of an assignment of Lease after surrender of the Lease, shall be for a term which is equal to the unexpired portion of the term of years created in the Daycare Corporation by the Lease.

The Option to Lease shall have appended to it a draft Lease from the lessor to the City which, except as hereinafter provided, shall contain the same terms and conditions, mutatis mutandis, as those provided for by paragraph 1(g) hereof in respect of the draft lessee is satisfactory to the City Solicitor. Under the draft lease.

1. the term shall commence ten (10) business days after the date of exercise of the Option to Lease by the City pursuant to this paragraph and shall end on twenty-five (25) years after the day on which the City determines that a tenant entered into possession of any space within the first building to be constructed on the lands more particularly described in Schedule "A" hereto;

2. the City shall be free to assign or sub-lease without the consent of the lessor;

3. prior to assignment or sub-lease by the City, the premises demised to the City may be used for any municipal purpose,

4. when the City no longer requires the demised premises for municipal purposes, the City may assign or sub-lease to any other person who shall be free to use the demised premises for any use permitted by the Zoning By-law, and

5. forthwith after it is made, the City shall be given vacant possession of the premises demised to the City by [illegible].

(g) As soon as is reasonably practicable after the incorporation of the Daycare Corporation, the Owner and the Company shall offer to lease the Scotia Plaza Daycare Centre (hereinafter called the "Leased Premises") to the Daycare Corporation by a Lease containing terms which shall be first approved by the City and shall include the following:

(i) the Lease shall be of the Scotia Plaza Daycare Centre as fully completed and equipped;

(ii) the term of the Lease shall be not less than twenty-five (25) years from the date of the lease and shall be at an annual rental of $2.00;

(iii) title to the equipment for the Scotia Plaza Daycare Centre shall be transferred to the Daycare Corporation free of encumbrances at the same time that vacant possession is given to the lessee;

(iv) the leasehold interest shall have appurtenant to it easements which are considered to be appropriate by the City Solicitor and which shall include necessary easements of access and support;

(v) the lessor at its expense shall keep the Leased Premises in a good state of repair and maintain the same. The lessor at its expense shall supply the leased premises with necessary utility services including heating, and shall provide at the lessor's expense caretaking services;

(vi) the cost of all utilities and all taxes and levies of every kind shall be the responsibility of the lessor for the term of the Lease;

(vii) the lessor at the lessor's expense shall obtain and keep the Leased Premises, including all equipment located thereon insured under an all-risks policy for the term of the Lease;

(viii) the lesee shall not assign or sub-lease the Leased Premises without first obtaining the consent of the Lessor provided that such consent shall not be granted without the prior approval of the City;

(ix) the lessee shall acknowledge the Option to Lease, and, insofar as it is within its power to do so, agree to comply with the terms of the Option to Lease, the lease shall provide that the Lesee will not assign or sub-lease the Scotia Plaza Daycare Centre or surrender its leasehold interest therein without first notifying the City of its proposal to assign, sub-lease or surrender, as the case may be, and providing the City with the opportunity of determining whether to exercise its Option to Lease pursuant to its terms;

(x) subject to the provisions of the Option to Lease, the tenant shall convenant to surrender its leasehold interest in the Scotia Plaza Daycare Centre, if it fails to use it for the purposes of a daycare centre for at least 50 children for a period of sixty (60) consecutive days or more;

(xi) if required by the City Solicitor, the Lease shall have a copy of the Option to Lease, and the Daycare Agreement appended to it; and

(xii) no amendment to the Lease will be made without the prior approval of the City to the form of the amendment first having been requested by the Lessor and the Lessee and having been granted by the City.

(h) As soon as is reasonably practicable after the incorporation of the Daycare Corporation, and prior to the Owner and Company Leasing, or agreeing to Lease, the Scotia Plaza Daycare Centre to the Daycare Corporation, the Owner and the Company agree to use their best efforts to obtain the concurrence and execution as a party of an agreement by the Daycare Corporation between the City, the Owner, the Company and the Daycare Corporation (herein called the "Tenancy Agreement") which contains the following provisions:

(i) all parties acknowledge the Option Agreement and agree to comply with its provisions;

(ii) if a Lease is made to the Daycare Corporation of the Scotia Plaza Daycare Centre, it will operate a daycare centre therein for at least 50 children in compliance with all relevant Provincial and Municipal legislation and regulations;

(iii) no amendment to the Lease will be made unless the Daycare Corporation Owner and the Company first seek and obtain the approval of the City thereto;

(iv) the Daycare Corporation, the Owner and the Company will give the City notice of any proposal by the Daycare Corporation to assign, sub-lease or surrender its leasehold interest in the Scotia Plaza Daycare Centre before making, or agreeing to make, any assignment, sub-lease or surrender thereof;

(v) the Daycare Corporation, the Owner and the Corporation will permit the City and its representatives to enter on the Scotia Plaza Daycare Centre for the purpose of determining whether there is compliance with this Agreement, the Lease, the Option to Lease and the Tenancy Agreement at all reasonable times on twenty-four (24) hours notice;

(vi) if the City exercises its right under the Option to Lease to a lease of the Leased Premises, the Daycare Corporation will execute, or cause to be executed, all documents necessary to give effect to the City's rights under this Agreement as determined by the City Solicitor and without charge or expense to the City; and

(vii) prior to or at the same time as this Lease is made to the Daycare Corporation, the Owner and the Company will provide the Daycare Corporation with not less than $20,000.00 (in 1984 dollars) to be used for the remuneration and expenses of staff necessary to organize and prepare for opening of the daycare centre in the Leased Premises.

2. Waterpark Place Daycare

With respect to Waterpark Place and the provision and operation of a daycare centre thereon, the Company covenants with the City as follows:

(a) A facility which is suitable for use as a daycare centre accommodating at least fifty (50) children plus necessary staff shall be constructed and equipped by the Company, at its expense, at a location approved by the City on the lands known for municipal purposes in 1984 as 10 Bay Street (hereinafter called the "Waterpark Place Daycare Centre") and in compliance with all relevant Provincial and Municipal legislation, regulations, guidelines and standards, plans, drawings and specifications for the facility in a form satisfactory to the Commissioner of Planning and Development, shall be submitted to the City for its approval prior to or simultaneously with the submission for City approval under Section 40 of the Planning Act, 1983, of plans and drawings for the first buildings containing primarily non-residential uses proposed to be constructed on 10 Bay Street. The approved facility shall be completed in accordance with the approved plans, drawings and specifications, no later than the day which is ninety (90) days after the date of completion of such building either specified in a certificate or declaration issued pursuant to the Construction Lien Act, 1983, or if a certificate or declaration is not issued, the day on which the first tenant enters into possession of any space contained in the aforesaid building as determined by the City in its discretion. Subject to paragaph 2(a) and (b) the provisions of 1(a) hereof shall apply mutatis mutandis, in respect of the Waterpark Place Daycare Centre.

Proposed Provisions Dealing with Amending By-laws for Master Agreement

3. Amending By-laws

For the purposes of this Agreement, the terms:

(a) "Amending By-laws" means, subject to paragraph 3 hereof, the proposed Official Plan Amendments and the proposed Zoning By-laws";

(b) "proposed Official Plan Amendments" means Official Plan Amendment No. 276, adopted by Council by By-law No. ___-84, and those Official Plan Amendments which are in the form of the draft Official Plan Amendments contained in Item "O" of the agenda for the Land Use Committee meeting of May 16, 1984, as amended to contain the amendments which are recommended in reports from the Commissioner of Planning and Development to the Land Use Committee dated June 22, 1984, and entitled: "Report on Outstanding Matters, Further Requests, and Comments by Concerned Parties Respecting Scotia Plaza, Application No. 1633", "Amendments to Building Scheme Agreement and other matters relating to Application No. 1629, 'Waterpark Place'" and "Draft By-laws and Official Plan Amendments for the Scotia Plaza Development, Application No. 1633", and any amendments to any of them that are considered by Council to be technical which are adopted by City Council at the same meeting of Council at which such draft Official Plan Amendments are adopted by City Council; and

(c) "proposed Zoning By-laws" means the Zoning By-laws which are in the form of the draft Zoning By-laws contained in Item "O" of the agenda for the Land Use Committee meeting of May 16, 1984, as amended to contain the amendments which are recommended in a report from the Commissioner of Planning and Development to the Land Use Committee dated June 22, 1984 and entitled: "Report on Outstanding Matters, Further Requests, and Comments by Concerned Parties Respecting Scotia Plaza, Application No. 1633", "Amendments to Building Scheme Agreement and other matters relating to Application No. 1629, 'Waterpark Place'" and "Draft By-laws and Official Plan Amendments for the Scotia Plaza Development, Application No. 1633", and any amendments to any of them which are considered by Council to be technical and which are approved by Council prior to or simultaneously with the passing of the necessary Bills by Council.

4. (a) Subject to paragraph 5 hereof, the Final Closing Date for purposes hereof shall be the 10th business day following the Date of Final Approval of the Amending By-laws or such other date as may be agreed to by the Parties hereto, provided that the occurrence of the Final Closing Date in accordance with the foregoing shall be expressly conditional upon such Amending By-laws being approved, in force, and or in effect in accordance with this paragraph on the Final Closing Date. The Date of Final Approval of the Amending By-laws for the purposes of this Agreement is the first day on which each and every provision of each of the Amending By-laws is, in the case of the provisions of the proposed Official Plan Amendments approved, in force and in effect, and, is in the case of the provisions of the proposed Zoning By-laws, in force and in effect, as a result of one of the following events occurring:

(i) Where a provision of one of the proposed Official Plan Amendments is approved and comes into force and effect pursuant to the Planning Act, 1983, and, within the period of 30 days following the day on which such provision is approved and comes into force and effect, no application to Court is made, the expiry of such 30 day period.

(ii) Where no notice of appeal is filed in respect of the provisions of one or more of the proposed Zoning By-laws pursuant to Subsection 34(18) of the Planning Act, 1983, and no application to Court is made, the expiry of the 65 day period from the date of passing of each of such Zoning By-laws in respect of which no such notice of appeal is filed.

(iii) Subject to clause 4(a)(iv), where a notice of appeal is filed by a person in respect of the provisions of one or more of the proposed Zoning By-laws pursuant to subsection 34(18) of the Planning Act, 1983, and no application to Court is made, the expiry of the 30 day period from the date on which the Order of the Ontario Municipal Board dismissing the appeal is entered.

(iv) Subject to clauses 4(a)(v) and (vi):

1. where any one or more provisions of the proposed Official Plan Amendments, or any of them, have been referred to the Municipal Board, and/or
2. where one or more notices of appeal have been filed in respect of the proposed Zoning By-laws, or any of them, and
3. a notice from the Minister has been received by the Municipal Board, pursuant to Subsection 17(2) or Subsection 34(29) of the Planning Act, 1983, as the case may be, with respect to a part or parts of any one or more of the provisions of the proposed Official Plan Amendments, and/or any one or more parts of the proposed Zoning By-laws in respect of which a notice(s) of appeal has been filed, and no new application to Court has been made, and
4. no application to Court has been made;

the expiry of the 30-day period from the day on which the Lieutenant Governor in Council has confirmed the Municipal Board's Decision approving the part or parts of the proposed Official Plan Amendments and/or has confirmed the Municipal Board's decision dismissing the appeal(s) in respect of the part or parts of the proposed Zoning By-laws in question, provided that in the event that an Order of the Municipal Board is entered after the date on which the Lieutenant Governor in Council has confirmed the Board's Decision as aforesaid, the 30 day period referred to in this clause shall commence from the day on which the Board's Order is entered.

(v) Subject to clause 4(a)(vi), where, prior to the expiry of the 30 day period referred to in clauses 4(a)(i), (iii) and (iv) or the 65 day period referred to in clause 4(a)(ii), whichever is applicable, an application to Court is made in which the validity of:

1. a provision, or
2. the proceedings before City Council or a Committee of Council respecting a provision, or
3. the approval of a provision, or
4. the proceedings before the Municipal Board respecting a provision, or
5. a Decision or Order of the Municipal Board respecting a provision, or
6. the Order to the Lieutenant Governor in Council or the proceedings before the Lieutenant Governor in Council respecting a provision,

is called into question, with respect to the provision, either,

7. the final disposition of such application to Court, if the result is that the provision is approved, remains, or comes into force and effect, or
8. in the event that the Court remits the matter back to City Council, the Municipal Board, or the Lieutenant Governor in Council,

the final disposition of such matter.

(vi) Where, immediately prior to the occurrent of any of the hereinbefore-stated events, an application has been filed with the Municipal Board for any relief under Section 42 of the Ontario Municipal Act or the Municipal Board has on or before such occurrence set aside a Decision and/or Order of the Municipal Board respecting a provision, the final disposition of such application to the Municipal Board and/or the final disposition by the Municipal Board of its rehearing, if the rehearing is directed by the Municipal Board and clauses 4(a)(i), (iii) and (v) hereof apply mutatis mutandis.

4. (b) For the purposes of sub-paragraph 4(a) the term:

(i) "application to Court" means an application for leave to appeal, an appeal, an application for judicial review, an application to quash pursuant to the Municipal Act, or appeals from a Decision or Order in respect of any of these all of which are made to a Court; and

(ii) "final disposition" means one of the following events:

1. the entry of an Order of a Court which finally disposes of an application to such Court, or

2. where a provision of one of the proposed Official Plan Amendments is remitted back to City Council, if no further application to Court is made, the expiry of the 30 day period following the date on which such provision came into force and effect, or

3. where a provision of one of the proposed Zoning By-laws is remitted back to City Council, no notice of appeal is filed pursuant to Subsection 34(18) of the Planning Act, 1983, and no application to Court is made, the expiry of the 65 day period from the date of passing of such provision, or

4. where a provision of one of the proposed Zoning By-laws is remitted back to City Council no notice of appeal is filed pursuant to Subsection 34(18) of the Planning Act, 1983, and no application to Court is made, subject to clauses 4(a)(iv), (v) and (vi), the expiry of the 30 day period from the date on which the Order on the Municipal Board dismissing the appeal if entered, or

5. where clause 4(a)(iv) applies, subject to clause 4(a)(v), the expiry of the 30 day period referred to clause 4(a)(v), or

6. the entry of an Order of the Municipal Board which follows a rehearing by the Municipal Board pursuant to an Order of the Municipal Board finally disposes of a provision, or

7. the date on which an Order in Council which finally disposes of a provision of one of the proposed Official Plan Amendments or proposed Zoning By-laws, comes into effect.

5. (a) Subject to paragraph __ hereof, without fettering in any way City Council in the exercise of any of its discretionary powers, and notwithstanding any other provisions of the within Agreement, the Parties agree that if, prior to the first to occur of the Final Closing Date and the Unwinding Date, any modifications or amendments to any one or more of the proposed Official Plan Amendments are made or enacted, such modificiation(s) and/or amendment(s) shall be deemed to be included within the meaning of the term "Amending By-laws" and to be part of the Amending By-laws for all of the purposes of the within Agreement, provided that:

either:

(i) such modification(s) and/or amendment(s) are only of technical significance and effect;

or:

(ii) within 30 days after the date on which such modification(s) and/or amendment(s) are made or passed, the Parties hereto shall notify the others in writing that the modification(s) or amendment(s) in question is(are) acceptable to the Party giving the notice.

5. (b) In the event that in a case referred to in sub-paragraph 5(a) hereof, the necessary notice is not given by one or more Parties hereto within the time specified in sub-paragraph 5(a), the modification(s) and/or amendment(s) shall not be deemed to be one of the Amending By-laws for the purposes of the within Agreement.

6. Subject to paragraph 7 hereof, this Agreement shall be effective, enure to the benefit of and be binding upon the Parties hereto, their respective successors and assigns on and after the date as of which it is made. On the Final Closing Date the City shall give notice in writing to the Commissioners, Campeau and Copthorne that the Final Closing Date has occurred, whereupon paragraph 7 hereof shall have no further effect.

7. (a) The date of unwinding of this Agreement, should such occur (hereinafter referred to as the "Unwinding Date"), shall be the date which is thirty (30) days:

(i) after the date upon which notice is given by any Party to the other Parties hereto to the effect that this Agreement is terminated, provided that in no event shall such notice be given prior to November 29, 1985, and provided further that the Date of Final Approval of the Amending By-laws has not occurred on or prior to the date of such notice;

(ii) that after the passing of the by-law referred to in sub-paragraph 7(b); or

(iii) after the date of the notice of termination referred to in sub-paragraph 7(c),

as the case may be.

7.(b) On the Unwinding Date, the provisions of the Agreement, other than this sub-paragraph, shall terminate, provided that, if the Unwinding Date occurs, the provisions of the Building Scheme Agreement, as amended by the Building Scheme Amending Agreement, as it stood immediately prior to the date of this Agreement and the "Building Scheme" provided for therein, shall continue to govern in the manner in which the lands described in Schedule 2 to the Building Scheme Amending Agreement shall be developed, and whereever any inconsistency between the Building Scheme Amending Agreement shall occur, the provisions of the latter Agreement shall prevail.

7. (c) Subject to paragraph 5 hereof, on the occurrence, prior to November 29, 1985, of a final disposition of any of the Amending By-laws, which final disposition is not favourable in respect of any of such Amending By-laws, then, notwithstanding the provisions of sub-paragraph 7(a) hereof, notice of termination may be given by any Party to all other Parties, and the Unwinding Date shall occur in the result thirty (30) days after the date of such notice.

7. (d) On or after the Unwinding Date, the Company, at the Company's expense, may expunge registration of the within Agreement against the title to the lands to which the Building Scheme Agreement as amended by the Building Scheme Amending Agreement applies, by appropriate means according to the requirements of the registry system pertaining to the affected property.

7. (e) In the event that the provisions of sub-paragraph 7(d) have been complied with and without fettering in any way City Council in the exercise of its discretionary powers, it is the intention of the Parties hereto that Council will rescind the Amending By-laws or any one or more of them with the object of restoring the Official Plan and Zoning By-law provisions as they stood on (insert date 1984.) In respect of any such rescinding by-law which is passed prior to the occurrence of the Final Closing Date, the other Parties hereto will not object to the passing, approval, or coming into force and effect of such rescinding by-law, or rescinding by-laws.

7. (f) Subject to paragraph 5 hereof, prior to the occurrence of the Final Closing Date, City Council rescinds or amends in whole or in part any of the Amending By-laws, the provisions of this Agreement shall be deemed to have terminated on the earliest date of passing of any rescinding or amending by-laws and the Unwinding Date shall occur thirty (30) days after the date of passing of such by-law.

9. Any notices to be given under this Agreement shall be delivered to the Parties at their respective addresses. The respective addresses of the Parties for such purposes presently are as follows:

THE OWNER

The Bank of Nova Scotia
c/o The Secretary
44 King Street West
Toronto, Ontario
M5H 1H1

THE COMPANY

Campeau Corporation
320 Bay Street
Toronto, Ontario
M5H 2P2

THE MUNICIPALITY

City Solicitor
100 Queen Street West
15th Floor, West Tower
City Hall
Toronto, Ontario
M5H 2N2

CITICOM

Suite 300
36 Temperance Street
Toronto, Ontario
Attn.: Vice President, Real
Estate and Development

ROYAL

1 Place Ville Marie
P.O. Box 6001
Montreal, Quebec
M3C 3A9
Attn.: Vice-President, Development

The Parties hereto agree to notify each other immediately, in writing, of any changes of address from those set out above.

9. (b) Except in the event of an interruption in the postal service, any notices to be given under this Agreement shall be delivered in person, delivered by ordinary mail where receipt has been acknowledged, or sent by pre-paid registered mail addressed to the parties at their respective addresses as set out in paragaph 9(a). In the event that a notice is delivered in person, the Party receiving the notice shall forthwith indicate receipt of the notice by signing a form of acknowledgement of receipt and in that event, the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be deemed to have been received on the date of service as set out in such affidavit. In the event that a notice is sent by pre-

paid registered mail or by ordinary mail where receipt has been acknowledged, it shall be deemed to have been received on the second clear day following the day on which the notice was sent.

9. (c) In the event of any interruption in the postal service, notice shall be given to either Party at its respective address as set out in paragraph 9(a), either in person or by special courier in the manner as set out in paragraph 9(a). The Party receiving the notice shall indicate the receipt of it by signing a form of acknowledgement of receipt, and the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that either Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be presumed to have been received on the date of service as set out in such affidavit.

10. Designation of Certain Properties

The Parties hereto have entered into Easement Agreements as of the same date as this Agreement pursuant to Section 37 of the Ontario Heritage Act, R.S.O., 1980, c._____, by Instrument No. _______, with respect to the conservation of the building on the lands known for municipal purposes in 1984 as 44 King Street West, more particularly described in Section __ hereto, and the building located on the lands known for municipal purposes in the year 1984 as 102 to 106 Yonge Street, more particularly described in Schedule __ hereto __. Subject to paragraph __ hereof, it is the intention of the Parties hereto that as soon as is reasonably practicable after the issuance of building permits for any of the permitted alterations referred to in the aforesaid Easement Agreement with respect to 44 King Street West, and the alterations referred to in the Easement Agreement with respect to 102 to 106 Yonge Street, City Council will pass by-laws to designate 44 King Street West and 102 to 106 Yonge Street as designated properties under the Ontario Heritage Act. The Owner, the Company, Citicom and Royal covenant with the City that they will not object to the aforesaid designations.

11. Repeal of Conditions Respecting Continued Erection of Certain Buildings

The proposed Official Plan amendment and zoning by-law which, when adopted, passed and in force will apply to the lands more particularly described in Schedule __ hereto and in the form approved by City Council at its meeting of June 28, 1984, in adopting Clause __ of Land Use Committee Report No. ___, are contained in Schedule __, attached hereto. Section 11. __(a)(iii) of the proposed Official Plan Amendment and Section 3(f) of the proposed Scotia Plaza Zoning By-law, in effect, condition the entitlement to the maximum amount of non-residential gross floor area specified therein on a certain building and portions of buildings referred to therein, continuing to be erected. Easement Agreements between the Parties hereto and the City, in respect of 44 King Street West and 102 to 106 Yonge Street and between the Parties hereto, the National Club and the City, in the case of 303 Bay Street have been made as of the same date as this Agreement and have been registered as Instruments Nos. _____, _____ and _____. Subject to paragraph ___ hereof, it is the intention of the Parties hereto that as soon as is reasonably practicable after the latest of such Easement Agreements terminates, City Council will rescind Section 11.___(a)(iii) of the Official Plan and Section 3(f) of the proposed Scotia Plaza Zoning By-law.

12. Intention of Parties

Notwithstanding any other provisions of this Agreement, the Parties hereto agree with each other that none of the provisions of this Agreement (including a provision stating the Parties' intention) is intended to operate, nor shall have the effect of operating in any way to fetter either the City Council which authorized that execution of this Agreement or any of its successors in the exercise of any of Council's discretionary powers. Without limiting the generality of the foregoing, such discretionary powers include the power to pass, amend or repeal by-laws; to adopt, amend or rescind Official Plan Amendments; and to pass or rescind by-laws designating certain lands as designated properties under the Ontario Heritage Act.

13. Enurement

The Parties hereto, other than the City, agree with the City that it shall be a general and indispensable condition of any sale, mortgage, charge, or lease for a term, including any entitlement to renewals for a term of twenty one (21) years or more of, any any assignement or sub-lease of such a leasehold interest in the whole or any one or more portions of the lands described in Schedule "_" hereto that each purchaser, mortgagee, chargee, lessee, assignee or sub-lessee shall be bound by, subscribe to and covenant with the City to the same effect as is provided for in this Agreement.

14. Registration

The Parties hereto consent to the registration of this Agreement or a Notice of it against the title to the lands more particularly described in Schedule "_" hereto.

15. Time to be of the Essence

Time shall be of the essence of this Agreement.

16. Meaning of Terms

Unless the context otherwise requires, the terms used herein shall have the same meaning as the same terms have in By-law No. 20623, as amended.

The Committee also submits the further report (June 22, 1984) from the Commissioner of Planning and Development:

Subject: Report on Development Review under By-law No. 615-79 for construction of the Scotia Plaza development (Official Plan Amendment and Rezoning Application No. 1633) on a site comprising 30-44 King Street West, 102 and 106 Yonge Street, 11-29 Adelaide Street West and a part of 20 King Street West. (Ward 6)

Origin: Commissioner of Planning and Development upon application by Campeau Corporation, on behalf of Scotia Realty Ltd. (c71luc84322:46)

Comments:

1. Background

Campeau Corporation submitted an application for Development Review on March 26, 1984 for the Scotia Plaza development. This project was the subject of Application No. 1633 filed on August 5, 1982 to amend the Official Plan and Zoning By-law for the City of Toronto respecting certain lands within the block bounded by Yonge Street, King Street West, Bay Street and Adelaide Street West. This application was the subject of my Progress Report of October 1, 1982, adopted by City Council on October 7 and 8, 1982, and of my Preliminary Report of December 10, 1982, adopted by Council on December 20, 1982. The latter report recommended:

"1. That the Commissioner of Planning and Development be requested to report to Planning Board and Land Use Committee on suitable form of amendments to the Official Plan to give effect to this report and that the Planning Board and Land Use Committee be requested to hold a public meeting.

2. That the applicants be requested to revise Application No. 1633 with respect to the concerns outlined in this report and in particular taking into consideration the findings of the Pedestrian Level Wind Study to be submitted.

3. That upon receipt of Application No. 1633, revised in accordance with Recommendation No. 1 above, the application be forwarded to the Commissioner of Buildings and Inspections, Commissioner of Public Works, Commissioner of Parks and Recreation, Metropolitan Commissioner of Planning, and the City Solicitor for their comments, such comments to include any matters they may wish to see included in a development agreement to be forwarded directly to the Commissioner of Planning and Development.

4. That the applicants be requested to submit a Pedestrian Level Wind Study indicating the effect of the proposed development on wind conditions both on the site and within 400 feet of it and indicating measures to be taken to deal with unacceptable wind levels."

In addition to these recommendations the Land Use Committee on December 20, 1982 recommended:

> "That the Commissioner of Planning and Development be requested to report on the provision of open space for daycare on the Bank of Nova Scotia site, taking into consideration the wind factors as they could affect small children;"

This report now before you addresses recommendations 2, 3 and 4 and the additional recommendation of the Land Use Committee.

Application No. 1633 was also the subject of my Final Report of March 2, 1984 which was before the Land Use Committee on March 2, 1984 and again on May 16, 1984 when the Land Use Committee held the required public meeting on the proposed amendment to the Official Plan and Zoning By-law. Many aspects of the proposed development are described in that report and are referenced in this report.

City Council on May 28, 1984 adopted my Critical Path report (Land Use Committee Report No. 11, Clause 32), as amended. The effect of Council's action was to defer final consideration by Land Use Committee of the proposed amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place, my final reports and further required reports on outstanding matters, including this report on Development Review for the proposed Scotia Plaza development, until the special meeting of the Land Use Committee scheduled for June 26, 1984.

2. Review of Application by Other Civic Officials

In the review of the Scotia Plaza project with respect to the Official Plan amendments and rezoning, the plans were circulated to the Commissioners of Public Works, Buildings and Inspections, Parks and Recreation, and Metro Planning. Plans for the proposed changes to the historic buildings on the site were also circulated to the Toronto Historical Board.

The most recent set of drawings upon which we have received comment were circulated April 3, 1984. Subsequently, the portion of the development on Yonge Street was reduced in height to two storeys to house a daycare facility and the previously proposed bridge connection across Grand Opera Lane eliminated. The comments of the various civic officials which relate to development review are contained in Appendix A to my Final Report of March 2, 1984 as follows:

A. Commissioner of Buildings and Inspections (November 14, 1983)

B. Commissioner of Parks and Recreation (February 4, 1983; April 29, 1984; September 7, 1983)

C. Metropolitan Commissioner of Planning (July 11, 1983)

D. Toronto Historical Board (February 18, 1983)

E. Commissioner of Public Works (March 15, 1983; April 12, 1983; May 5, 1983; August 9, 1983; August 31, 1983; February 21, 1984)

I have received subsequent comments as listed below which are contained in Appendix A of this report:

A. Toronto Historical Board (March 7, 1984)

B. Commissioner of Public Works (April 16, 1984)

3. Proposal

3.1 Site

The site of the proposed Scotia Plaza development which is the subject of this development review application, (as shown on drawing 1 attached to this report) differs somewhat from the site subject to the proposed Official Plan amendment and site-specific zoning by-law referred to above. The site of the National Club at 303 Bay Street, which is called Area A on Map 1 of the site-specific zoning by-law, is not a part of the development proposal being considered. No plans for changes to the National Club building have been submitted for review with this application.

The site includes a portion of the Royal Bank lands at 20 King Street West. The part, described as Part 1 on Plan of Survey Number 63R-1302, consists of an area of 71.65 sq.m. above grade which provides a walkway connection to the Royal Bank building. A portion of the basement of the Royal Bank building will continue to be erected below grade in this same area and is not included in the development lot.

Both Johnson Street and a portion of the public lane extending east from Bay Street, south of Adelaide Street West are included in the proposed development site. The proposed development is therefore dependent on the closing and conveyancing to the applicants of these public ways.

3.2 Development Proposal

As described in my Final Report of March 2, 1984, the proposed Scotia Plaza development is composed of five main elements: the existing 25-storey Bank of Nova Scotia building; the National Club; a 68-storey office tower; a 5-storey office and retail building on Adelaide Street West; and the Dunfield building on Yonge Street, proposed to be connected to the main portion of the development lands by a tunnel under Grand Opera Lane. The National Club building is not a part of this development review. Between the tower and the Bank of Nova Scotia building, an 11-storey glass enclosed atrium space is proposed to house a new banking hall.

The proposed 68-storey office tower is to be located in the centre of the block with major entrances opening onto both King Street and Adelaide Street. The base of the tower is to extend at a height of about four storeys towards each of these streets beneath a large steel grid structure which is span the open space.

The facade of the Wood-Gundy building, presently located at 36 King Street West, is to be relocated to a position fronting on Adelaide Street as part of a new building adjacent to the tower. The dismantling, storage and re-erection of this facade was the subject of my report to Land Use Committee dated May 30, 1984 and my further report to City Council dated June 11, 1984, which was adopted by City Council on June 11, 1984 (Land Use Committee Report No. 12, Clause 18).

The development statistics are as follows:

Area of Lot:	12 190.1 sq.m.	
Non-residential gross floor area:		
(a) Existing buildings to remain:		
Bank of Nova Scotia	46 253 sq.m.	
Dunfield building	400 sq.m.	
Total		46 253 sq.m.
(b) New development:		
Atrium at 44 King St. W.	2 170 sq.m.	
Office Tower	145 624 sq.m.	
Adelaide Street building	8 585 sq.m.	
102/106 Yonge Street	1 501 sq.m.	
Portion on Royal Bank land	72 sq.m.	
Total		157 952 sq.m.
Common Outdoor Space:	1 664 sq.m.	
Parking Spaces:	457+	
Loading Spaces:	10 Type B 10 Type C 3 non-standard	

3.3 Bank of Nova Scotia Building

The retention of the 25-storey Bank of Nova Scotia building is a major feature of the proposed Scotia Plaza project. It is to be integrated into the proposed new development through modifications at the ground level and below while still retaining the outstanding features of the building, particularly the exterior and the monumental and elegant banking hall and lobby.

It is proposed that portions of the east wall of the banking hall below the existing windows be opened to connect to the 11-storey high atrium space which would become the new retail banking area. The atrium would replace the existing service annex and would join the bank building to the proposed office tower. The applicant also proposes to relocate the marble counters and introduce new entry doors in order to provide a major entrance to the Scotia Plaza project from Bay Street through the banking hall. The hall itself would be preserved and used for corporate banking functions.

The proposed changes to the existing bank building are described in some detail in the drawings numbered 22 to 30 attached to this report. These drawings also form the basis of changes to the building to be permitted under the Heritage Easement Agreement which is the subject of a separate report. The alterations proposed have been reviewed in consultation with the Toronto Historical Board and are acceptable to me.

Revisions to the existing building below grade are to be more extensive than at the ground level. The retail mall at the concourse level (drawings 8 and 23) is proposed to extend through the building to Bay Street to connect through a proposed pedestrian tunnel below Bay Street to First Canadian Place to the west. A portion of the lower banking area is to be retained which will include the existing southerly stairway leading to the safety deposit vault. Other parts of this level would be converted to retail space.

3.4 Yonge Street - Daycare

The portion of the development proposal fronting on Yonge Street includes the historic Dunfield building originally built to house the Upper Canada Bible and Tract Society. The applicants propose to retain and restore the portion of the building extending 8 metres from Yonge Street and to integrate it with a new two-storey building between Yonge Street and Grand Opera Lane. This proposed new building has been reduced in height from five storeys shown in previous designs. The historic building will be subject to a Heritage Easement Agreement which is discussed in a separate report.

At the concourse level, the building will provide a connection between the Scotia Plaza project and a pedestrian tunnel running below Yonge Street connecting directly to the King Street subway station. A walkway at ground level will provide a similar connection between the project and Yonge Street. Retail space is to be developed along the walkway at both levels.

The second floor is to be developed as a work-related daycare centre for at least 50 children. This facility is also to include three floors of the retained portion of the Dunfield building. A playground for the daycare centre is to be located on the roof of the new building. An elevator is proposed to provide access from the concourse level and the ground level to the daycare at the second floor and the playground at the third floor.

The arrangements respecting the daycare centre are discussed in my separate report on outstanding matters.

4. Official Plan and Zoning

The proposed development depends on the coming into force of the provisions of the three site-specific Official Plan Amendments proposed in my reports of March 2, March 6 and May 11, 1984, the coming into force of the four site-specific by-laws amending the Zoning By-law proposed in my report of March 2, 1984 and on related agreements. The effect of these amendments is discussed in the above-mentioned reports and in my separate reports on Heritage Easement Agreements, outstanding matters respecting Scotia Plaza, and outstanding matters respecting Waterpark Place.

One of the provisions of the proposed by-laws specifies the distribution of non-residential gross floor area on the various parts of the development lot. Subsequent to my March 2, 1984 report containing, among other things, the proposed amendments to the Zoning By-law for Scotia

Plaza, a design change has been proposed which reduces the building on the portion of the lot fronting on Yonge Street from five storeys to two storeys in height. The resulting building would contain about 1 901 sq.m. of non-residential gross floor area, 1 427 sq.m. less than would be permitted by the proposed by-laws. At the same time the applicant has slightly increased the amount of non-residential gross floor area proposed for the office tower and Adelaide Street building to an amount which exceeds that permitted on this portion of the lot by about 550 sq.m. The draft by-laws would have to be amended to accomplish the proposed redistribution of density. I have no objection to this change. I will address this in a separate report on the draft amendments to the Official Plan and Zoning By-law.

As discussed in Section 3.1 of this report, the proposed development extends over a portion of the Royal Bank lands at 20 King Street West. It is to be constructed on a Part of the lot owned by the Bank of Nova Scotia which extends above grade over an area of 71.65 sq.m. and would contain not more than 71.65 sq.m. of non-residential gross floor area. The site-specific zoning by-law for 20 King Street West provides for this portion of the development.

Compliance with the common outdoor space requirements of the Zoning By-law cannot be finally confirmed until detailed landscaping plans have been submitted. The open spaces provided are capable of producing at least 1 664 sq.m. of common outdoor space which is greater than the 1 538.9 sq.m. required by the proposed by-law.

Street-related retail frontage of at least 84.5 metres is to be provided along Bay Street and King Street in the existing banking facilities of the Bank of Nova Scotia. Another 24.5 metres is to be provided in the Adelaide Street building and in the Dunfield building. The remaining 4 metres required under the by-law should be provided in a portion of the base of the tower extending towards Adelaide Street. This area is shown on drawings 6 and 7 as a terraced mezzanine and is apparently intended for a retail use such as a restaurant.

5. Parking, Loading and Access

Parking and loading access for Scotia Plaza is to be provided from Adelaide Street West, a high volume one-way eastbound street. None of the buildings now existing on the Adelaide Street frontage of the Scotia Plaza lot would be retained in the proposed development. Bay Street and Yonge Street would not be appropriate for access due to the proposed retention of existing historic buildings on the Bay Street frontage of the lot and the high volume two-way traffic. Similarly, King Street would not be appropriate given its narrow width and two-way traffic constraints. The applicants have proposed an elevator access system off Adelaide Street for service vehicles. This system would allow trucks to be taken below grade to the loading spaces below grade to minimize congestion along Adelaide Street. A ramp would provide access for cars and vans.

The applicant proposes to provide at least 457 parking spaces in a four level underground garage in accordance with the proposed by-law. Of these, at least 26 are required to serve the Royal Bank at 20 King Street West and should be identified in the Development Agreement. One surface parking space is also to be provided off Grand Opera Lane for delivery and pick-up for the daycare centre.

The drawings show 10 Type B and 10 Type C loading spaces and 3 unidentified spaces at the service level of the building. These are more than adequate to fulfil the by-law requirements. Of these, at least 2 Type B and 2 Type C are required to serve the Royal Bank building and are identified on drawing DR-9.

Garbage collection from the project is to be provided privately. Loading from a compacter will take place at the service level. The Commissioner of Public Works recommends that the owner provide and maintain garbage storage areas at least 0.67 c.m. in size in the office component of the project and in each retail store established.

Parking should also be provided for bicycles on the site at a location or locations visible from a main entrance to the development. Stands for a minimum of 20 bicycles should be provided. If they are to be outdoors their location should be shown on the detailed landscaping plan.

A main condition of the conveyance of Johnson Street and a portion of the lane running east from Bay Street as set out in the report of May 14, 1984 from the Commissioner of Public Works to the City Services Committee is the granting to the City of an area of land at the west end of the site for use as a public lane. The applicants are to retain rights to construct a portion of their building below the lane. In the proposed development, a part of the circular ramp leading to the service and parking areas below grade is to be constructed below this lane area. The lane at grade is shown to be clear with open steel truss members extending over it at a height above three storeys above grade. The applicant will have to apply to the Commissioner of Public Works to construct these elements over the public lane.

6. Wind and Sun Conditions

A Pedestrian Level Wind Study and a Sun/Shade Study prepared by Morrison Hershfield Ltd. were submitted by the applicant and are discussed in Section 4.3.1 of my Final Report of March 2, 1984. A summary of the Pedestrian Level Wind Study is contained in Appendix C of that report.

Subsequent to my Final Report the applicant has introduced the daycare centre into the building fronting on Yonge Street. The daycare centre includes a children's play space on the roof at the third floor level. Consideration of sun and wind conditions is most important for this space and I have been requested by your Committee to report regarding open space for daycare with respect to these issues.

The applicant has very recently submitted a copy of a wind study of the roof top playground conducted by Morrison Hershfield Ltd. A copy of this study is included in this report as Appendix B. The study shows that wind speeds at the roof level could be quite uncomfortable in winter if no remedial steps are taken. Conditions in the summer would be acceptable. The consultants have recommended the introduction of two rows of coniferous trees 5 to 7 metres (16 to 23 ft.) in height on the roof to reduce the wind speeds. This would produce reasonable wind conditions in winter. This design solution will have to be considered in the more detailed development of the playground area. I recommend that the detailed landscaping plans to be submitted by the applicant include the roof playground area of the daycare centre.

7. Walkways and Below-Grade Connections

The provision of walkways through the interior and exterior spaces of Scotia Plaza was discussed briefly in Sections 6.1 and 13.2 of my Final Report of March 2, 1984. The walkways are intended to replace existing pedestrian routes through the block, particularly along Johnson Street, and to provide a system of access to the subway and to other points of the existing below grade pedestrian system. The proposed walkways are indicated on drawings no. 7 and no. 8 attached to this report.

It is recommended that the walkways have a minimum unobstructed width of 4 metres and remain open to the public during the hours of subway operation.

The walkways would provide connections at grade between Adelaide Street, King Street and Yonge Street. A portion of the walkway extending to Yonge Street would cross Grand Opera Lane and is proposed to be covered by a canopy. The applicant will be required to submit an application to the Commissioner of Public Works for permission to construct a canopy over a public lane. The north/south route connects to an entrance into the Royal Bank building which presently provides a through pedestrian route to Johnson Street. This route will not be secured as a public walkway as it does not comprise a part of the site.

Below grade, the walkways are proposed to connect at four points to the existing or proposed developments on adjacent blocks and to the King Street subway station by means of tunnel connections below the street. One tunnel is proposed beneath Bay Street to connect to First Canadian Place and a second under King Street to connect to Commerce Court. Provision is also to be made for a connection to the north below Adelaide Street at some future date.

The most critical tunnel connection is that proposed to lead to the King Street subway station. To handle the potential pedestrian traffic to be generated by Scotia Plaza, I am recommending in my separate report on outstanding matters that the City require the applicant to enter into an agreement with the City, Metro, and the TTC to provide this tunnel connection to the satisfaction of the Toronto Transit Commission with a design acceptable to City Council.

The applicant will have to make separate application to the Commissioner of Public Works for approval of tunnel leases beneath City streets, including the connection beneath Grand Opera Lane.

8. Landscaping

The proposed landscaping for the site is very generally indicated on drawing 7 attached to this report. More detailed drawings are required for approval of the landscaping by City Council. Certain issues remain unresolved regarding the landscaping of portions of the open space. One unresolved area is that above the circular access ramp to the parking garage. A solution satisfactory to myself and the Commissioner of Parks and Recreation has yet to be proposed for this part of the site. I am recommending that satisfactory landscaping drawings be prepared and submitted for the approval of City Council before a building permit is issued for construction above grade.

I have discussed with the applicants the improvements to the public sidewalks around the development lot. While detailed plans have not yet been submitted, the appropriate legal arrangements should provide for the applicants to undertake at their expense improvements to the public sidewalk area in terms of paving, street trees and pedestrian scale lighting. The applicants should be required to enter into an agreement now that contains provisions that the improvements to the public sidewalk will be undertaken at the owners' expense and that the plans for such work be approved by City Council before a building permit is issued for construction above grade.

9. Access for the Disabled

The plans for Scotia Plaza indicate that almost all public areas are accessible to disabled users from the main entrances of the new buildings by means of either ramps or elevators. However, the terraced mezzanine area fronting on Adelaide Street has not been designed in enough detail to ensure access to disabled users. To maintain a consistent level of access, one of the entrance doors at each of the Adelaide Street and King Street entrances should be designated for disabled access and should be equipped with a power assisted push-button activated door opener.

As a condition of approval the applicant should be required to provide a minimum of five interior parking spaces for the exlusive use of disabled persons. These spaces should be located close to elevators and have a minimum width of 3.5 metres (12 feet) and should be clearly marked for exclusive use by disabled persons. Parking vestibule doors should have glass vision panels and lever type hardware.

Elevator controls should be within reach of a person seated in a wheelchair. Consideration should also be given to the marking of elevator controls for blind users.

Recommendations:

1. That, subject to coming into force of the by-laws respecting the Scotia Plaza lands, your Committee recommend that City Council approve the plans and drawings submitted with this application, namely Nos. DR2, 9, 10, 11, 12, 13, 15, 16, 17, 18 and 20 dated January 12, 1984, Nos. DR3 and 19 dated as revised March, 1984, Nos. DR4, 5, 6 and 14 dated as revised May, 1984, Nos. DR7 and 8 dated as revised June 15, 1984, Nos. DRH30 to 38 dated August 15, 1983, and No. SkD-267 dated February 1, 1984, all as prepared by The Webb Zerafa Menkes Housden Partnership, Architects and on file with the Commissioner of Planning and Development, and that as a condition of such approval, require the owner to enter into a Section 40 agreement requiring that:

    (a) the proposed development shall be undertaken and maintained substantially in accordance with the drawings referred to above;

    (b) the owner shall provide and maintain within the development walkways as shown on Drawings No. DR7 and DR8, dated June 15, 1984 and that such walkways shall be:

        i) open to the public at least during the hours of subway operation,

        ii) illuminated to a minimum average intensity of 10 lux on the walkway surface,

        iii) maintained clear of snow and ice at all times, and

        iv) a minimum of 4 metres in clear width;

(c) the owner shall provide and maintain garbage storage areas at least 0.67 cubic metres in size in the office component of the project and in each retail store established;

(d) at least 5 spaces of those parking spaces required to be provided by the Zoning By-law shall be located close to an elevator and shall be clearly designated for the exclusive use of disabled persons by means of the International Wheelchair Symbol;

(e) at least 20 bicycle parking spaces shall be provided in view of a main entrance to the development;

(f) the owner shall install and maintain a "stop" sign at the intersection of the access driveway to the loading facilities and the ramp to the underground parking facilities; and

(g) prior to the issuance of a building permit above grade, the owner shall have submitted to, and have had approved by City Council, details of all the area shown on plan no. DR7 which are intended to be landscaped and the roof area of 102/106 Yonge Street and further, the owner shall agree to provide and maintain the landscaping as shown on the drawing approved by City Council.

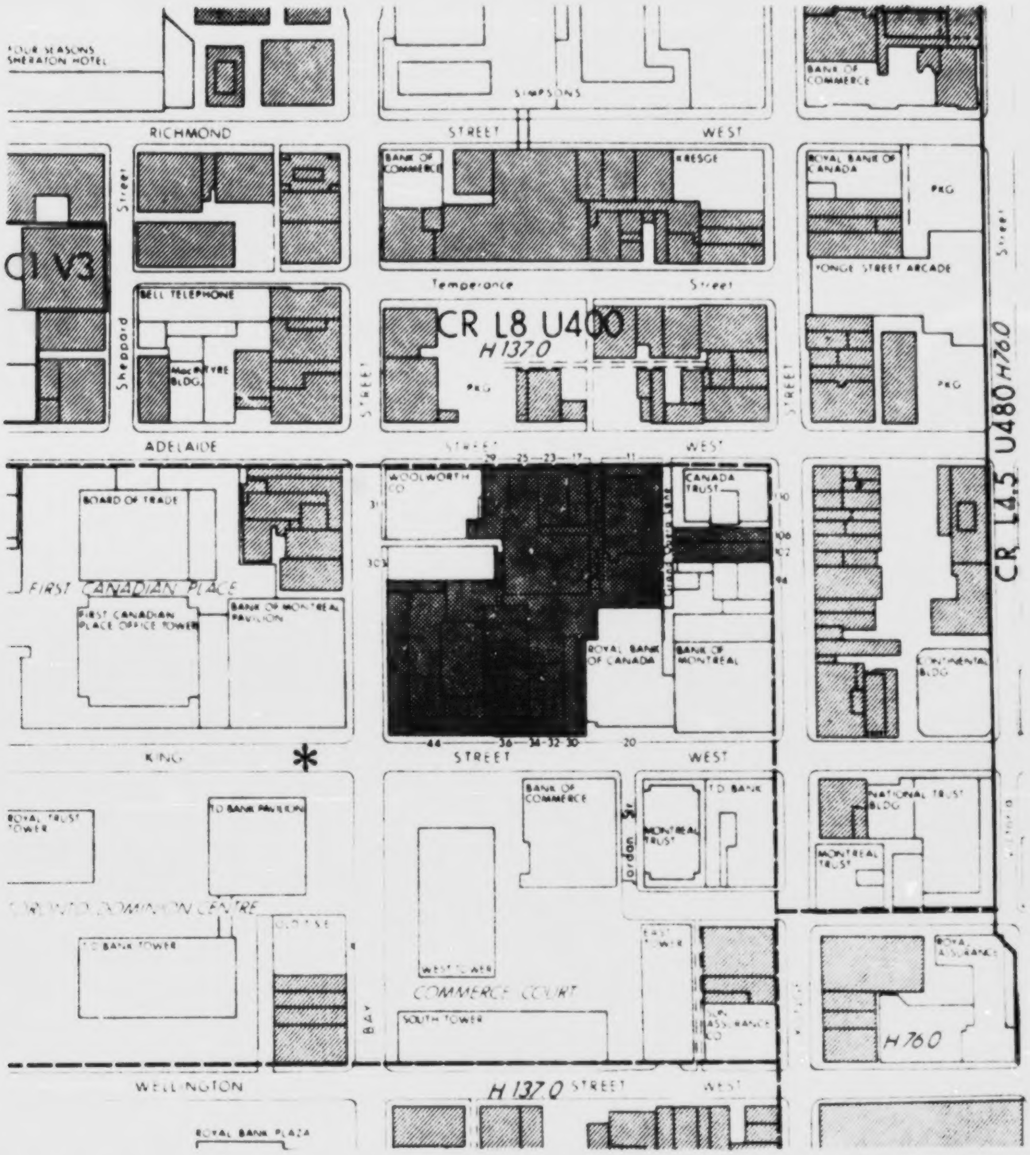
2. That the applicant be advised of the comments of the Commissioner of Parks and Recreation respecting City-owned trees and the Commissioner of Buildings and Inspections respecting the Ontario Building Code.

3. That the owner shall have applied to the Department of Public Works for revised municipal numbering prior to filing a formal application for a building permit.

4. That the City Solicitor be authorized to prepare an agreement between the owner and the City to give effect to the following:

(a) the owners shall provide space within the development for construction of transformer vaults, Hydro and Bell manholes and sewer manholes required in connection with the project; and

(b) the owners shall agree to pay for improvements to the public sidewalks around the development lot and that the landscaping plan indicating such works be submitted and approved by City Council prior to the issuance of a building permit for above-grade construction.


FOUR SEASONS SHERATON HOTEL
SIMPSONS
BANK OF COMMERCE
RICHMOND
STREET
WEST
BANK OF COMMERCE
KRESGE
ROYAL BANK OF CANADA
PKG
Sheppard Street
C1 V3
YONGE STREET ARCADE
Temperance
Street
BELL TELEPHONE
CR L8 U400
H137.0
MacINTYRE BLDG.
PKG
PKG
CR L4.5 U480 H76.0
ADELAIDE
STREET
WEST
WOOLWORTH CO.
CANADA TRUST
BOARD OF TRADE
FIRST CANADIAN PLACE
FIRST CANADIAN PLACE OFFICE TOWER
BANK OF MONTREAL PAVILION
ROYAL BANK OF CANADA
BANK OF MONTREAL
CONTINENTAL BLDG.
KING
STREET
WEST
BANK OF COMMERCE
T.D. BANK
MONTREAL TRUST
Jordan St.
NATIONAL TRUST BLDG.
MONTREAL TRUST
ROYAL TRUST TOWER
T.D. BANK PAVILION
TORONTO DOMINION CENTRE
T.D. BANK TOWER
WEST TOWER
COMMERCE COURT
EAST TOWER
SOUTH TOWER
SUN ASSURANCE CO.
ROYAL ASSURANCE
H76.0
BAY
WELLINGTON
H137.0
STREET
WEST
ROYAL BANK PLAZA

PLANNING DISTRICT DOWNTOWN
ZONING MAP SHEET 50G 323
WARD 6
O.P. DESIGNATION FINANCIAL DISTRICT
* AREAS WHERE THE ZONING BY-LAW DOES NOT IMPOSE A HEIGHT LIMIT

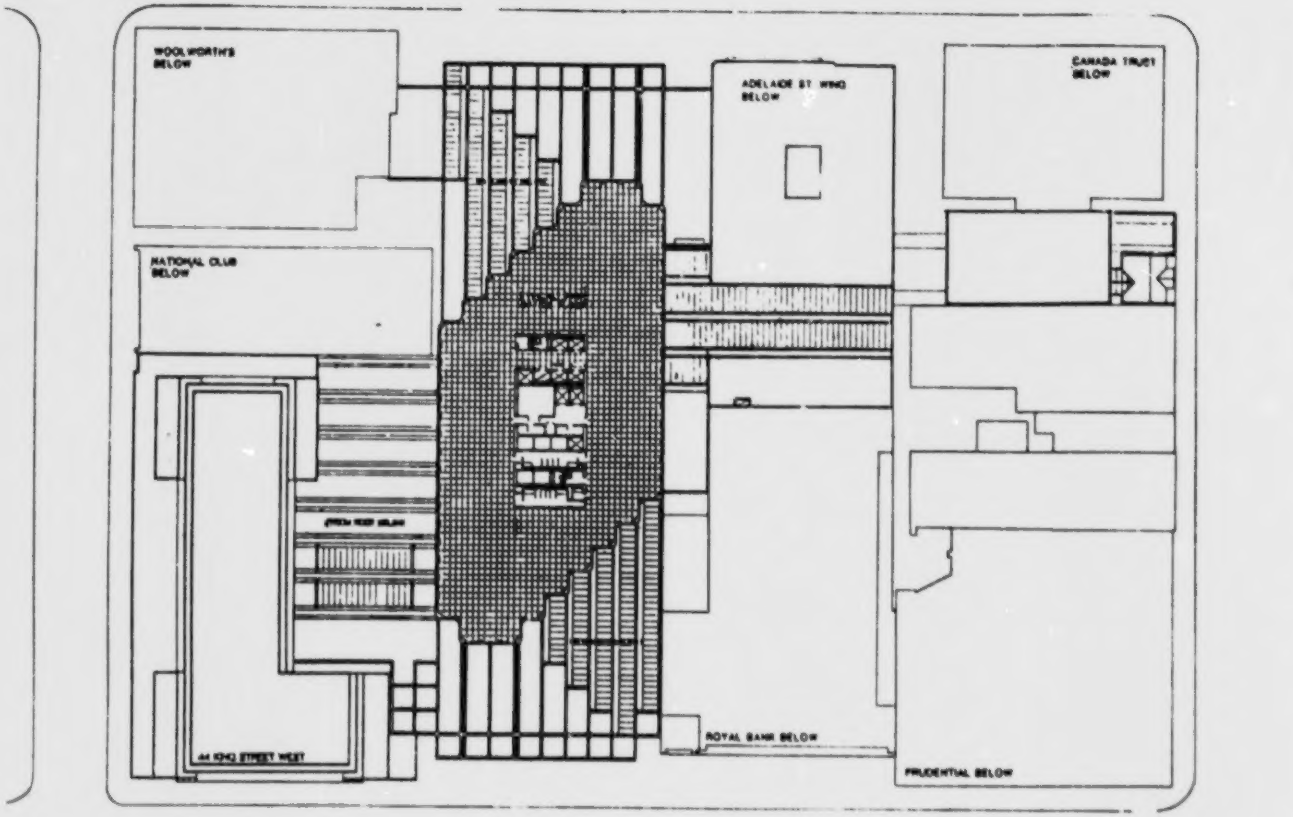
▨ COMMERCIAL
■ SCOTIA PLAZA DEVELOPMENT SITE

30-44 KING ST W., 11-29 ADELAIDE ST W. & 102-106 YONGE STREET
PRESENT ZONING AND LAND USE **1**

APPLICATION No. 1633
ASSIGNMENT No. 545/11633
DRAWN BY R.S.
SCALE 1:2400 MAY 1984

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

MW
A


WOOLWORTH'S BELOW
NATIONAL CLUB BELOW
44 KING STREET WEST
ADELAIDE ST WING BELOW
CANADA TRUST BELOW
ROYAL BANK BELOW
PRUDENTIAL BELOW

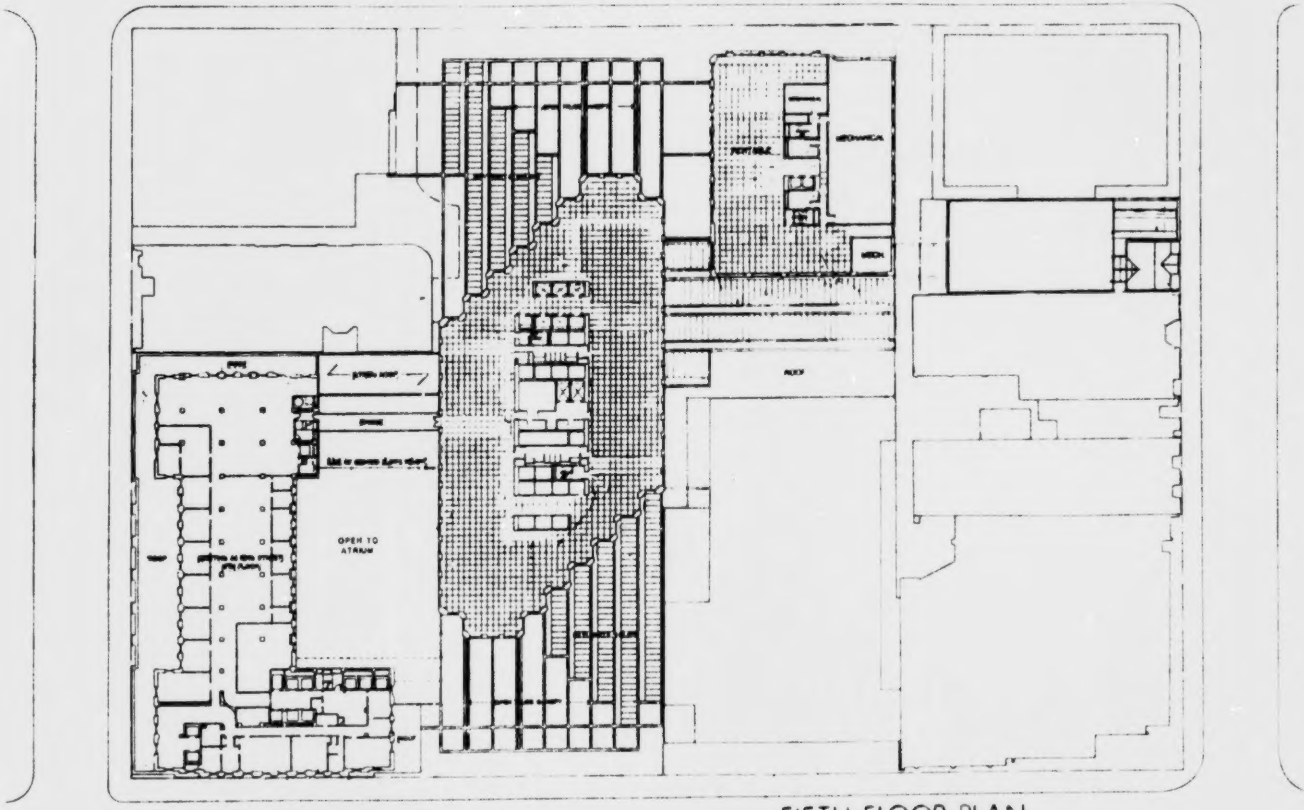
TYPICAL FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D) (DR)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY , 1984

2



FIFTH FLOOR PLAN

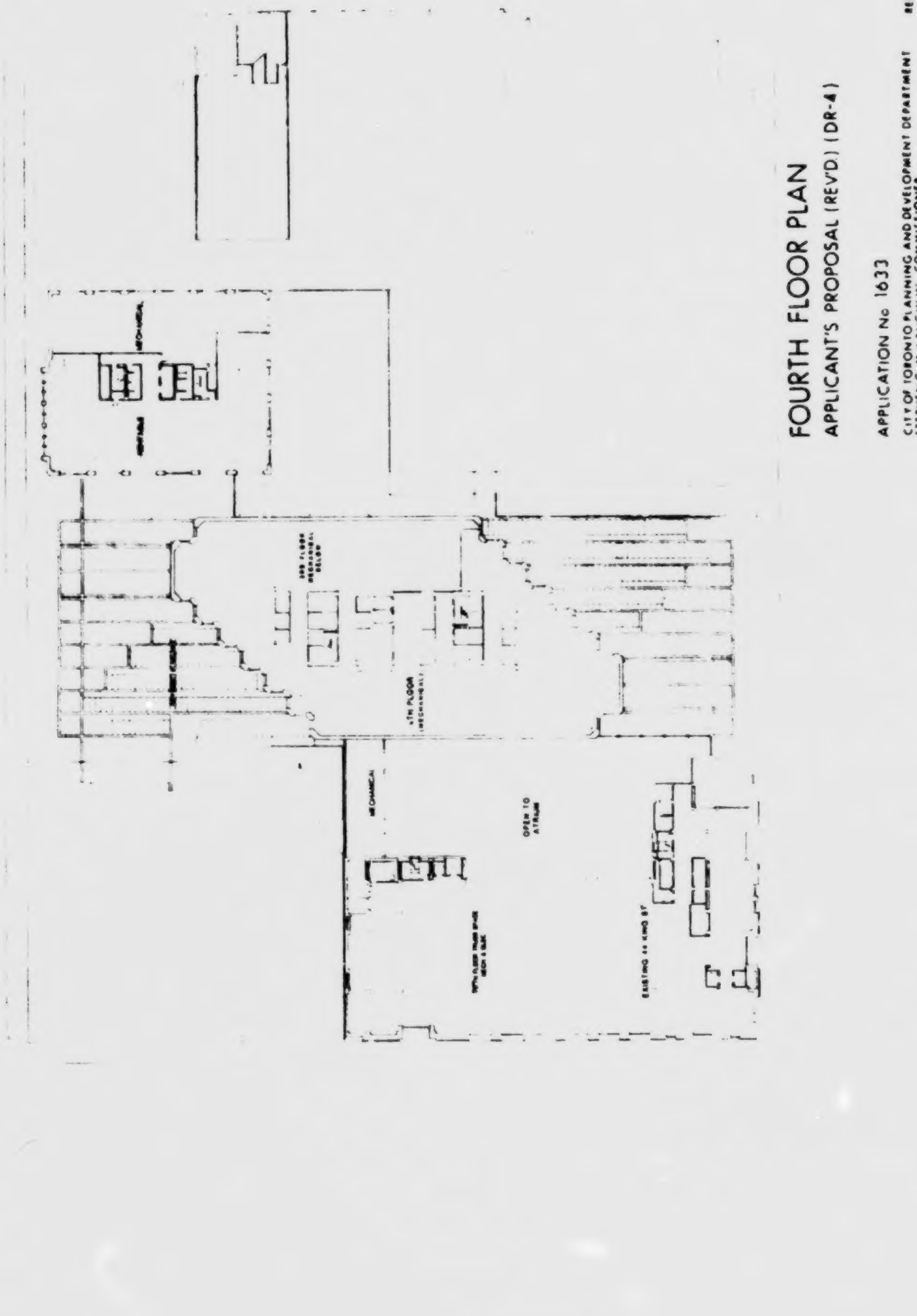
APPLICANT'S PROPOSAL (REV'D) (DR-3)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

3


MECHANICAL
4TH FLOOR (MECHANICAL)
MECHANICAL
OPEN TO ATRIUM

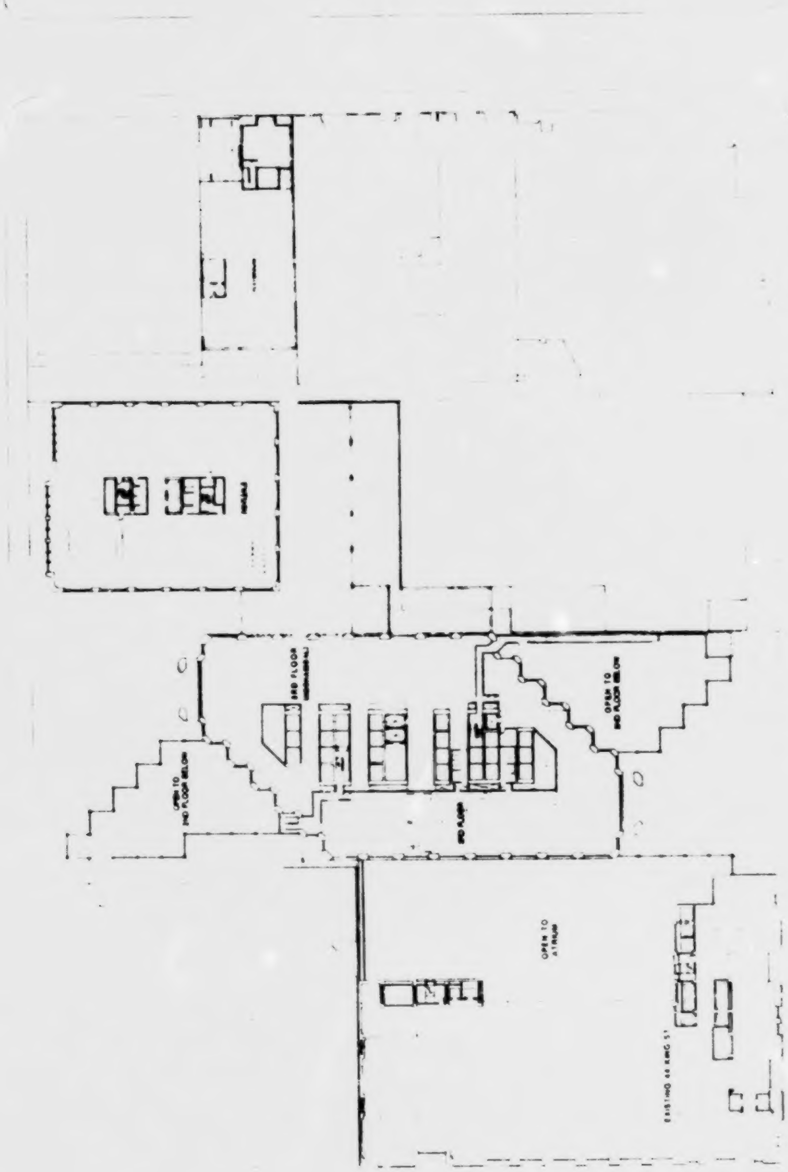
FOURTH FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D) (DR-4)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHENG McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

4


OPEN TO 2ND FLOOR BELOW
3RD FLOOR
OPEN TO 2ND FLOOR BELOW
3RD FLOOR
OPEN TO ATRIUM
EXISTING 44 KING ST

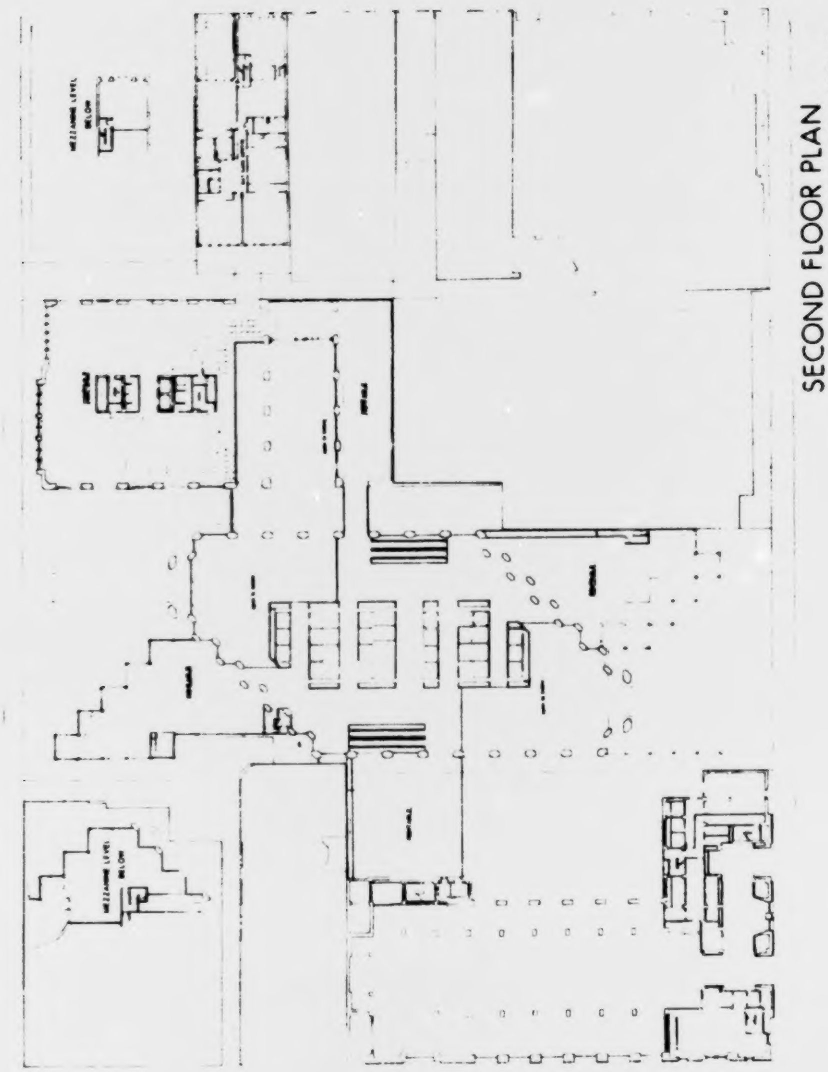
THIRD FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D) (DR-5)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

5


MEZZANINE LEVEL BELOW
MEZZANINE LEVEL BELOW

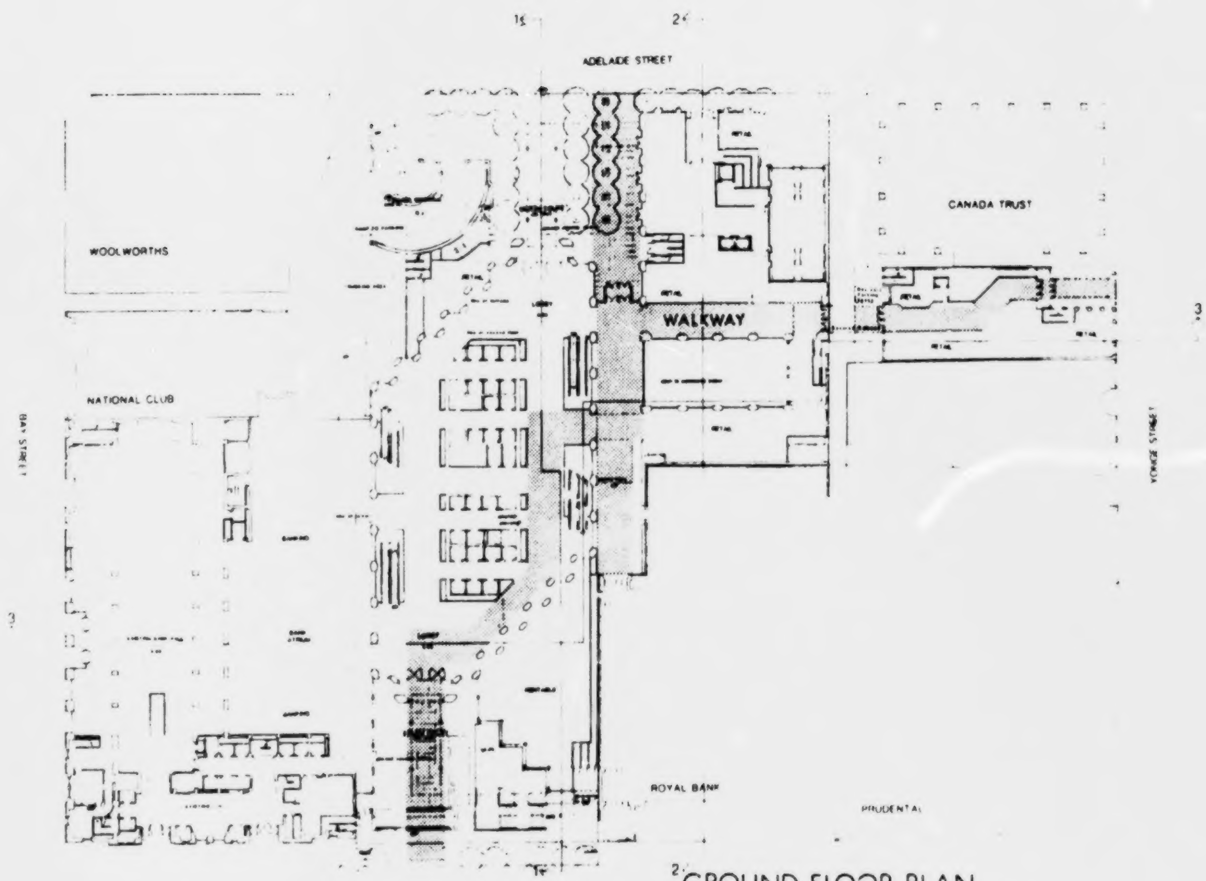
SECOND FLOOR PLAN
APPLICANT'S PROPOSAL (REV'D) (DR-6)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

6


ADELAIDE STREET
WOOLWORTHS
NATIONAL CLUB
BAY STREET
CANADA TRUST
WALKWAY
YONGE STREET
ROYAL BANK
PRUDENTIAL

GROUND FLOOR PLAN

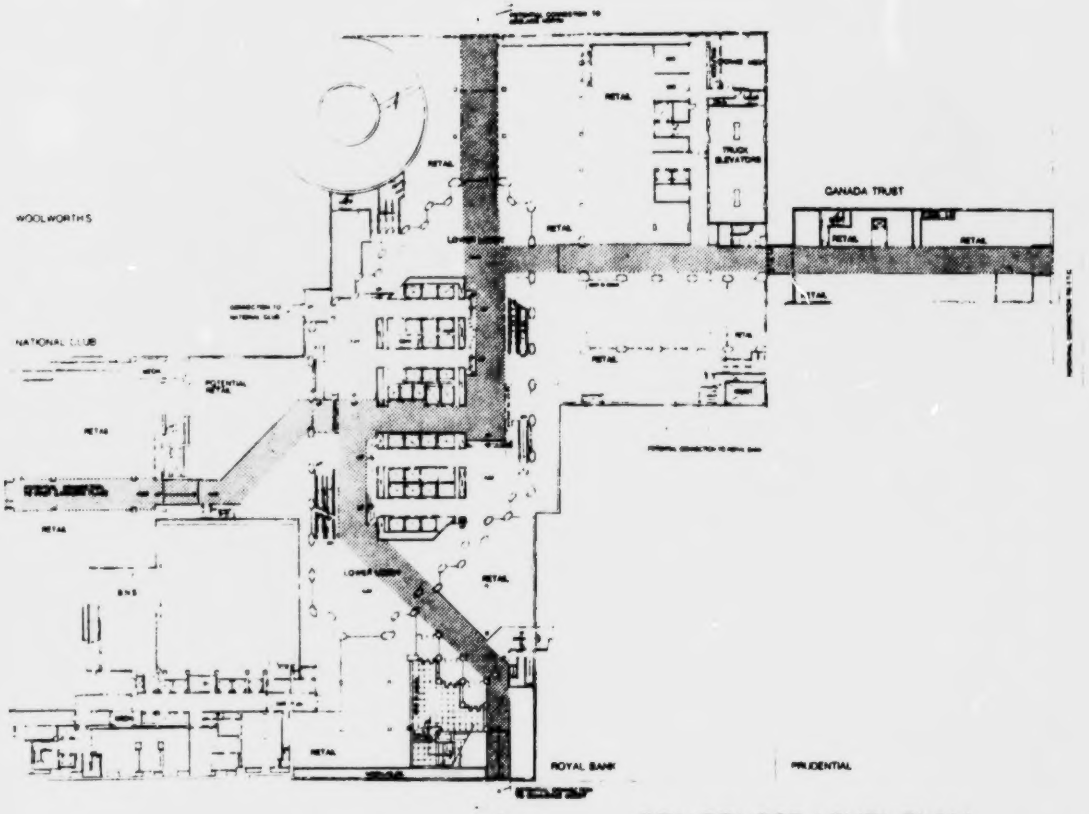
APPLICANT'S PROPOSAL (REV'D) (DR-7)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

7


WOOLWORTHS
NATIONAL CLUB
CONNECTION TO NATIONAL CLUB
POTENTIAL RETAIL
RETAIL
BNS
LOWER LOBBY
TRUCK ELEVATORS
CANADA TRUST
ROYAL BANK
PRUDENTIAL

PEDESTRIAN WALKWAYS

CONCOURSE LEVEL PLAN

APPLICANT'S PROPOSAL (REV'D.) (DR-8)

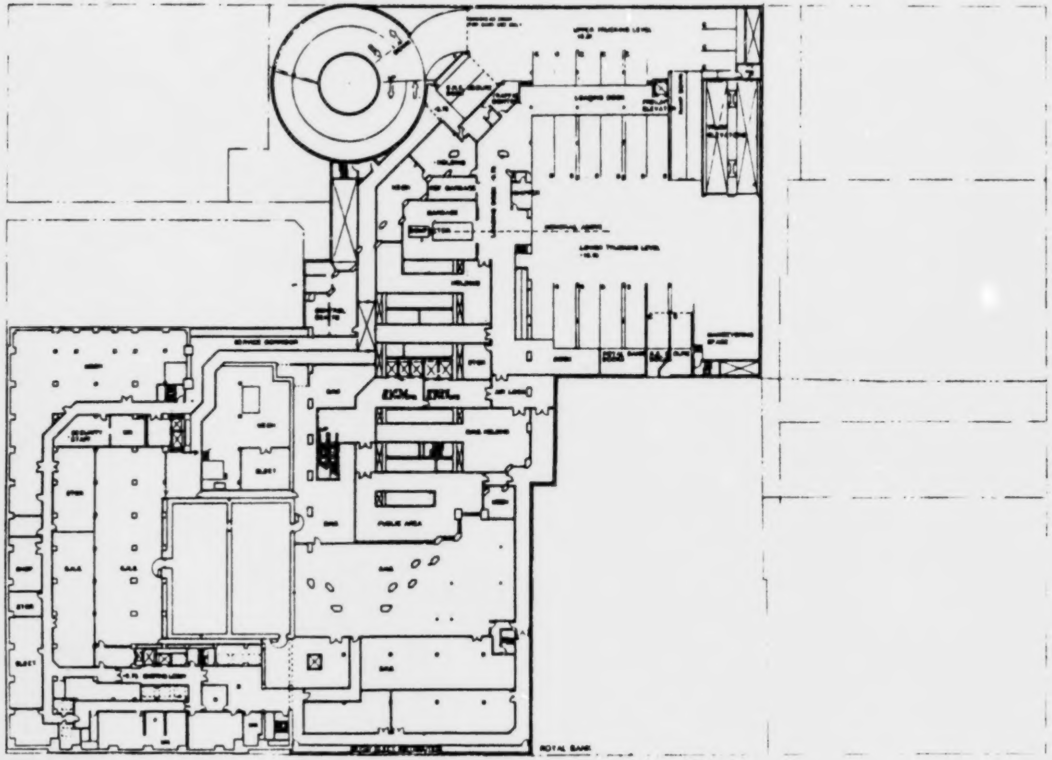
APPLICATION No 1633

REDUCED DRAWING

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

MAY 1984

8

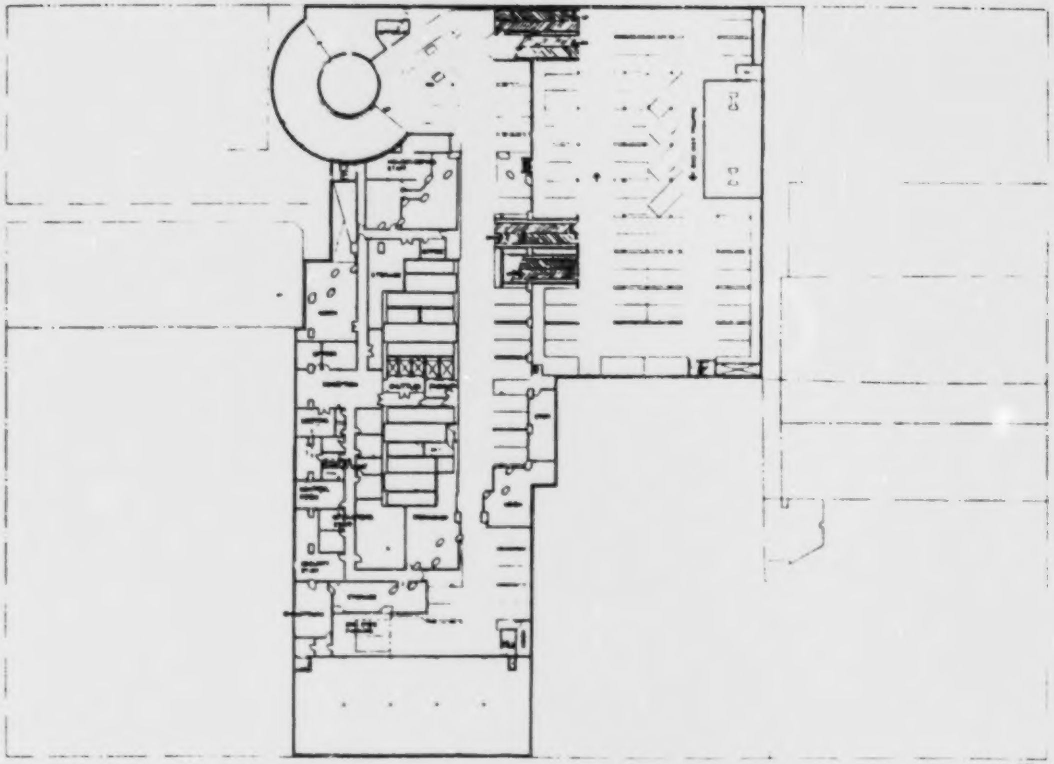

UPPER TRUCKING LEVEL
LOADING DOCK
LOWER TRUCKING LEVEL
SERVICE CORRIDOR
MECH
SECURITY STAFF
ELECT
PUBLIC AREA
ROYAL BANK

SERVICE LEVEL
APPLICANT'S PROPOSAL (REV'D)(DR-9)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

9



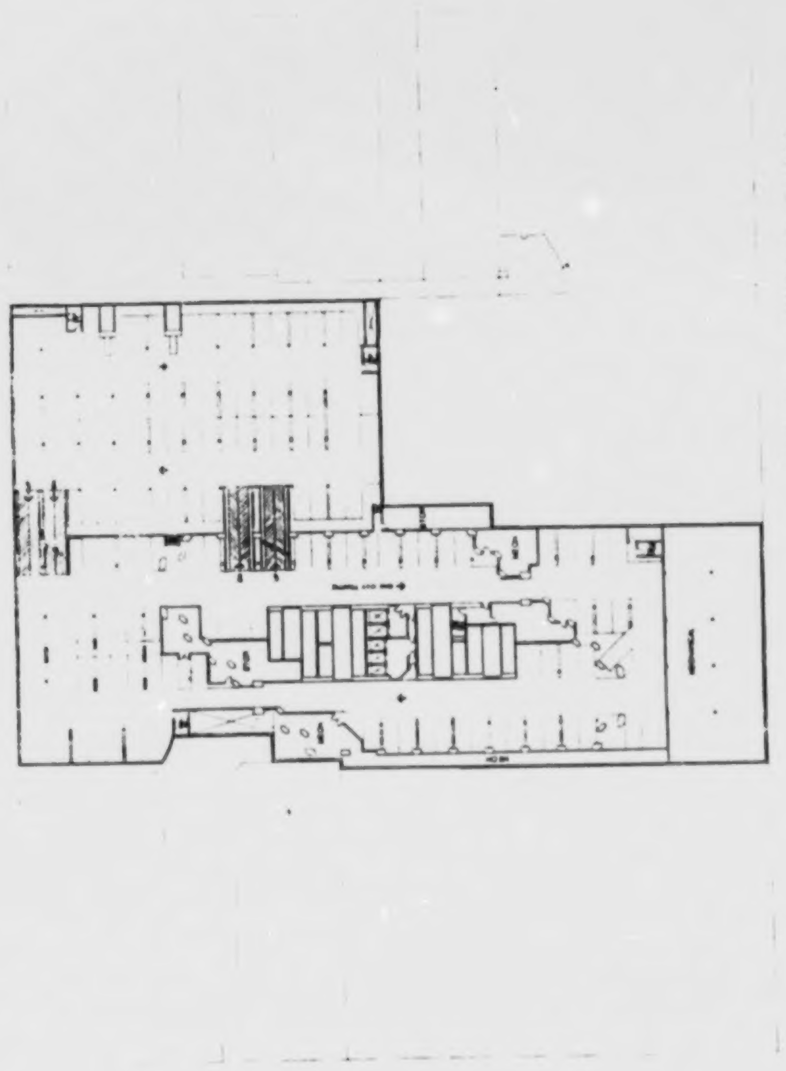
PARKING LEVEL 1
APPLICANT'S PROPOSAL (REV'D)(DR-10)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

10



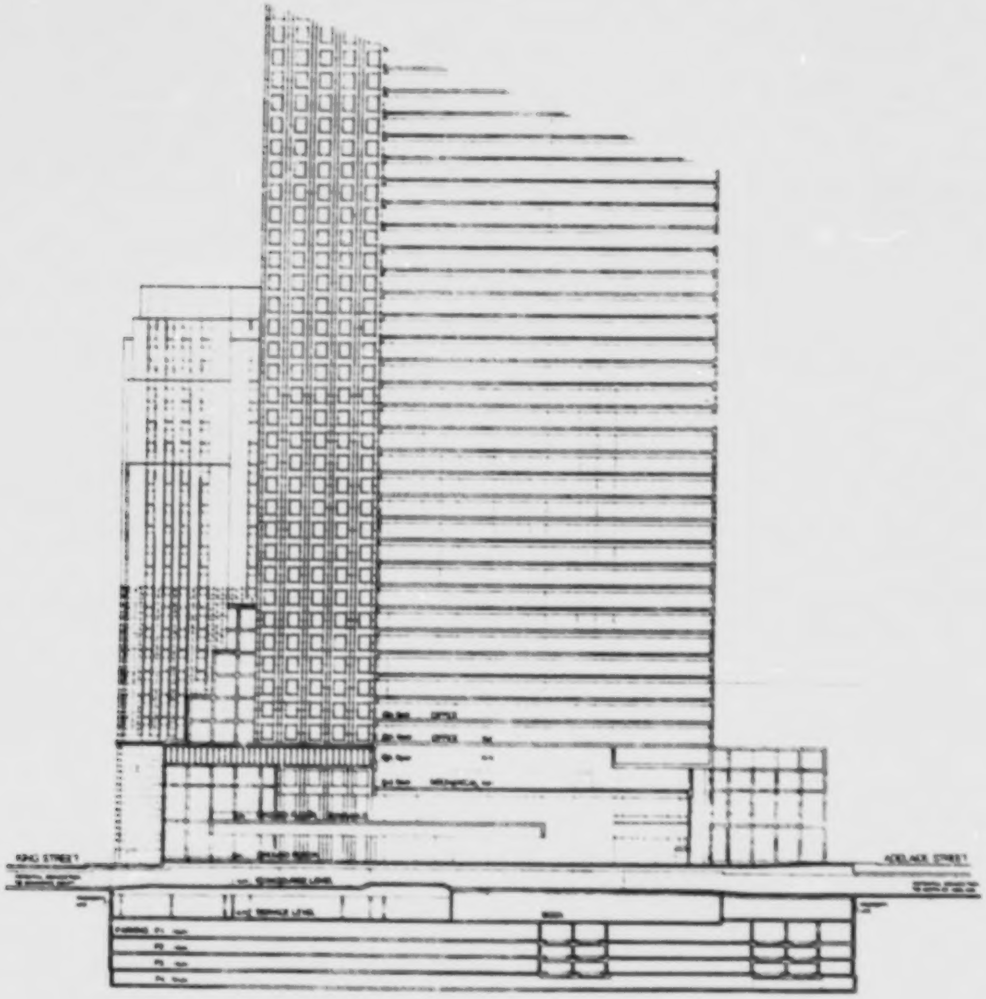
TYPICAL PARKING PLAN
APPLICANT'S PROPOSAL (REVD) (DR-11)

APPLICATION No. 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1986

11


KING STREET
ADELAIDE STREET
CONCOURSE LEVEL
SERVICE LEVEL
PARKING P1
P2
P3
P4
OFFICE
OFFICE
MECHANICAL

12

NORTH - SOUTH SECTION

APPLICANT'S PROPOSAL (REV'D) (DR12)

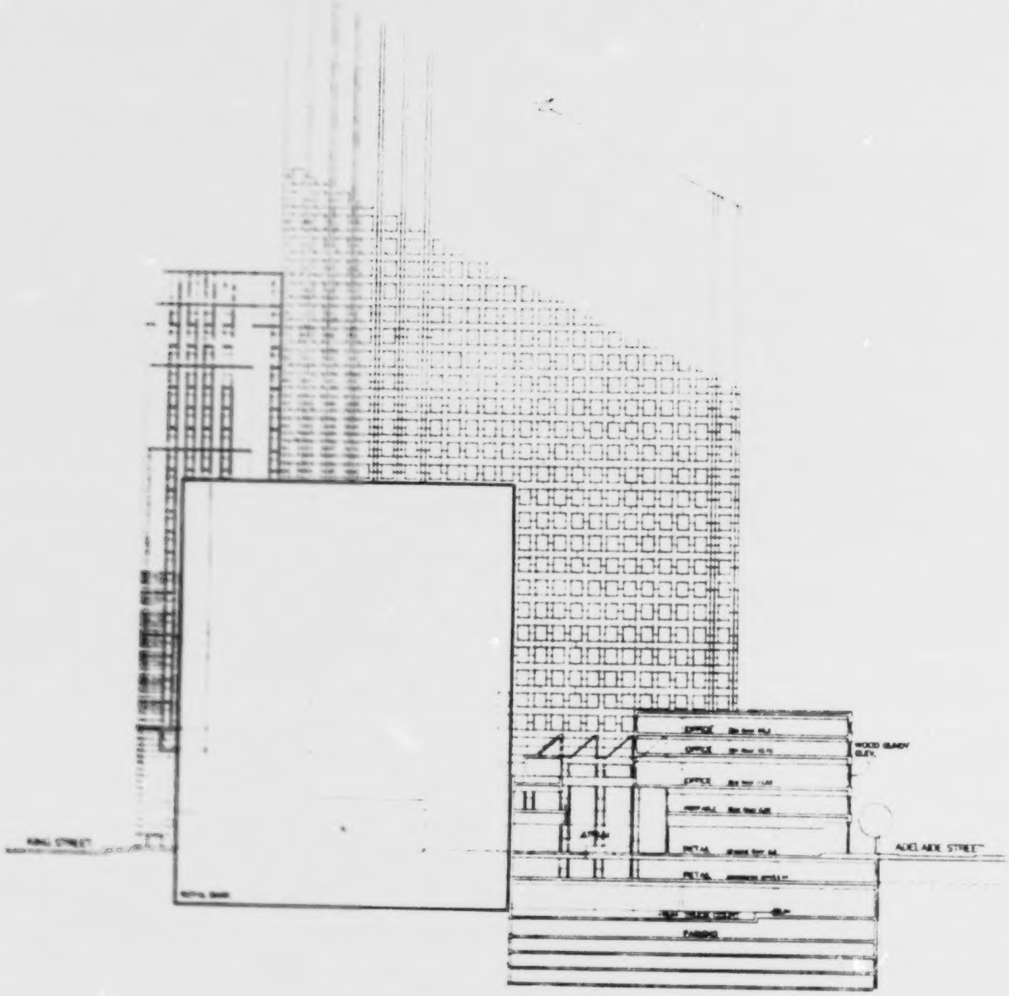
APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

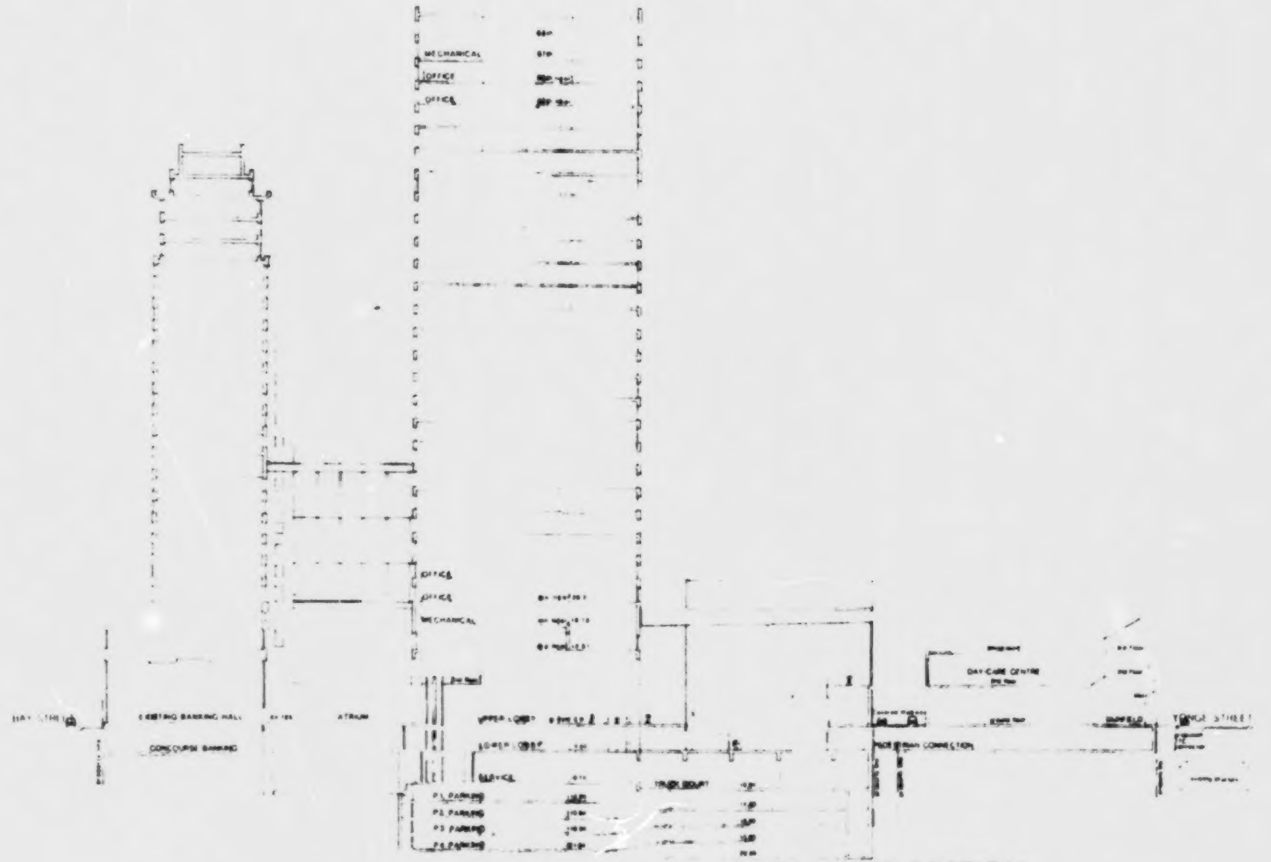
MAY, 1984


KING STREET
OFFICE
OFFICE
OFFICE
RETAIL
RETAIL
RETAIL
ATRIUM
PARKING
ELEV.
ADELAIDE STREET

13

NORTH - SOUTH SECTION
APPLICANT'S PROPOSAL (REV'D) (DR13)

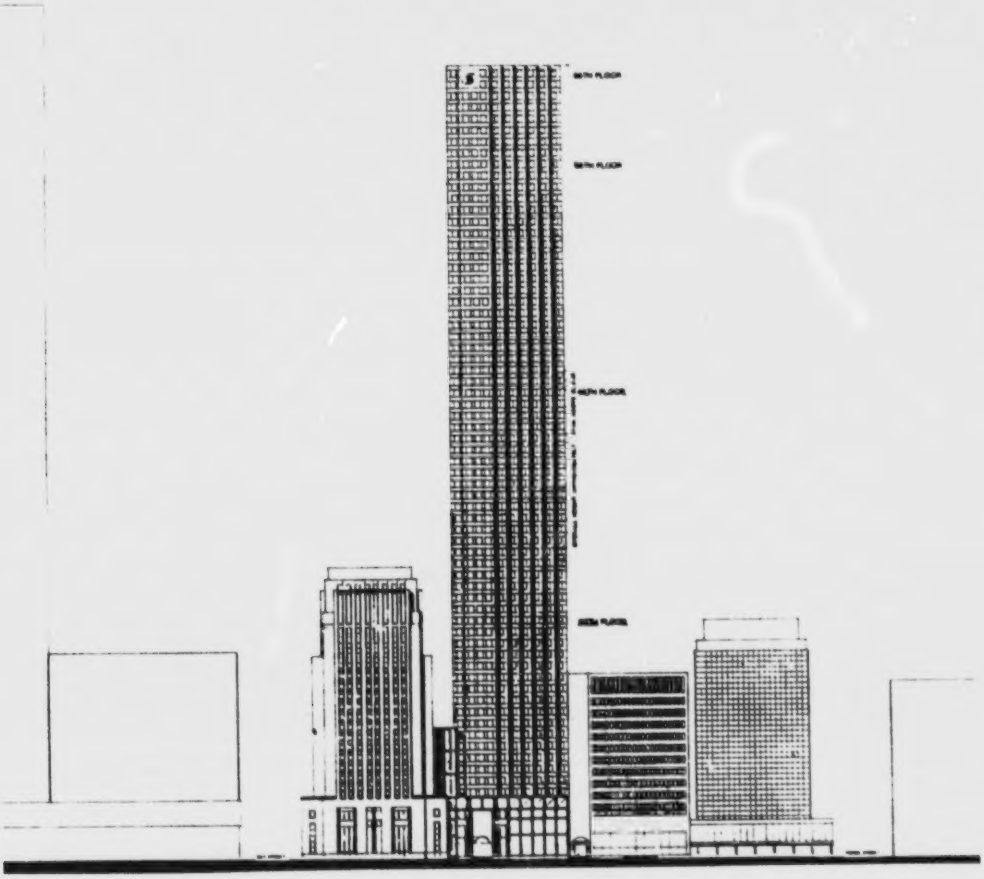
APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY, 1984


BAY STREET
EXISTING BANKING HALL
CONCOURSE BANKING
ATRIUM
MECHANICAL
OFFICE
OFFICE
OFFICE
OFFICE
MECHANICAL
UPPER LOBBY
LOWER LOBBY
SERVICE
P1 PARKING
P2 PARKING
P3 PARKING
P4 PARKING
TRUCK COURT
DAY-CARE CENTRE
PEDESTRIAN CONNECTION
YONGE STREET

EAST - WEST SECTION
APPLICANT'S PROPOSAL (REV'D.) (DR14)
APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY, 1984

14

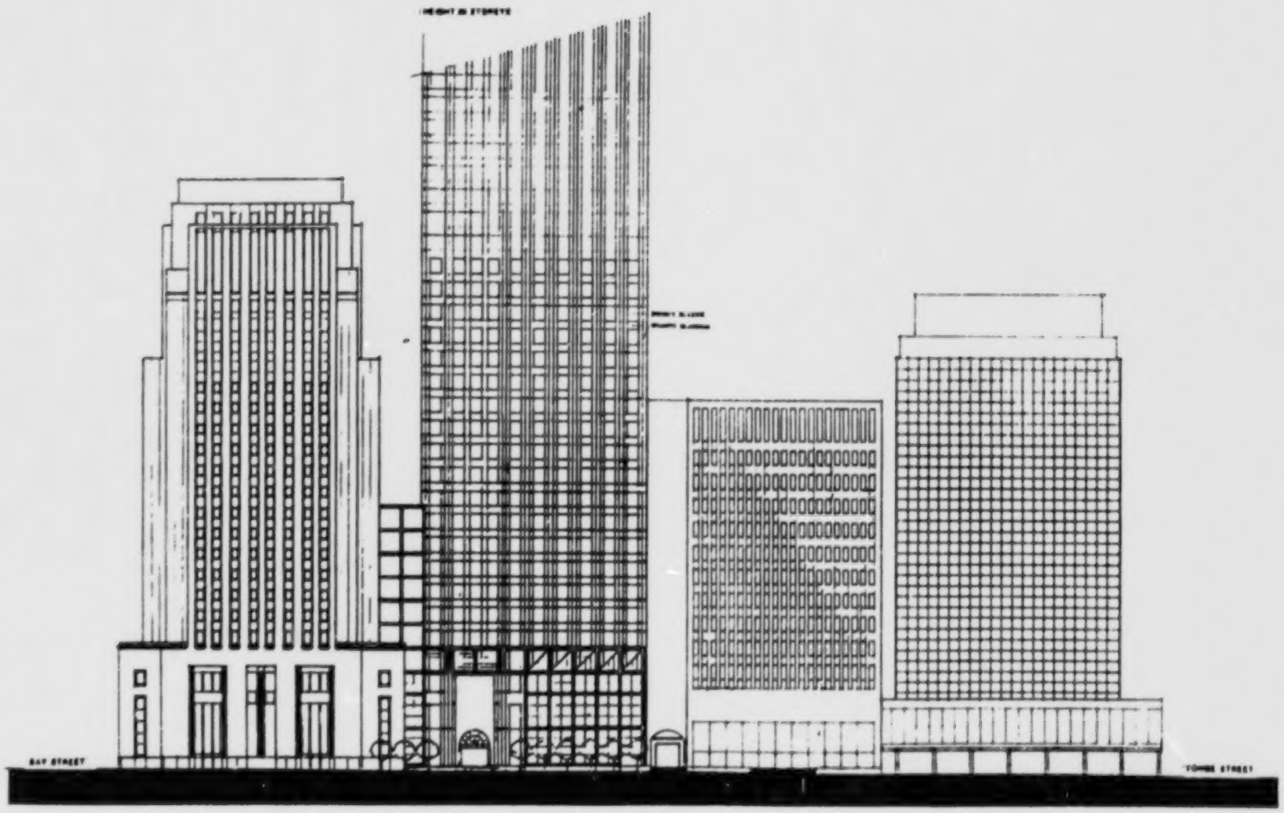


15

SOUTH ELEVATION (KING STREET)
APPLICANT'S PROPOSAL (REV'D) (DR15)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION MAY ,1984

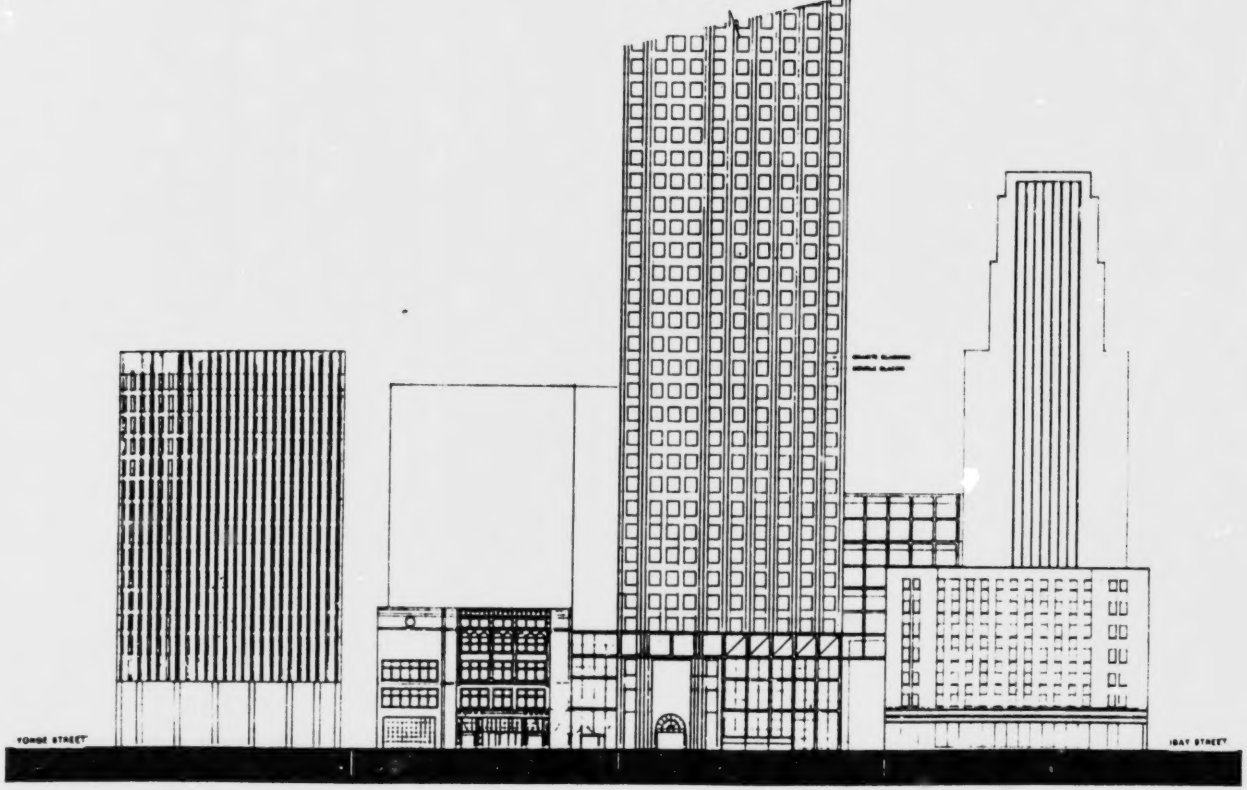

HEIGHT IN STOREYS
BAY STREET
YONGE STREET

SOUTH ELEVATION (KING STREET)
APPLICANT'S PROPOSAL (REV'D)(DR 16)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1984

16


HEIGHT [illegible] STOREYS
YONGE STREET
BAY STREET

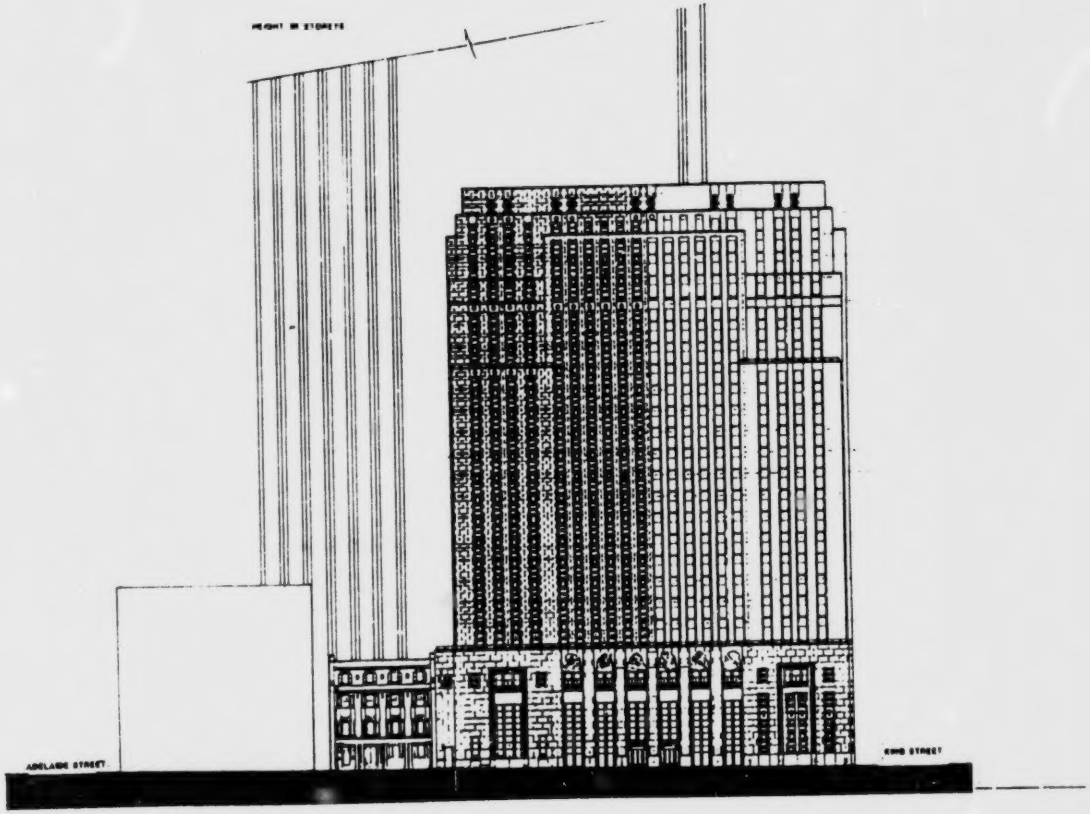
NORTH ELEVATION (ADELAIDE ST.)
APPLICANT'S PROPOSAL (REV'D)(DR 17)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1984

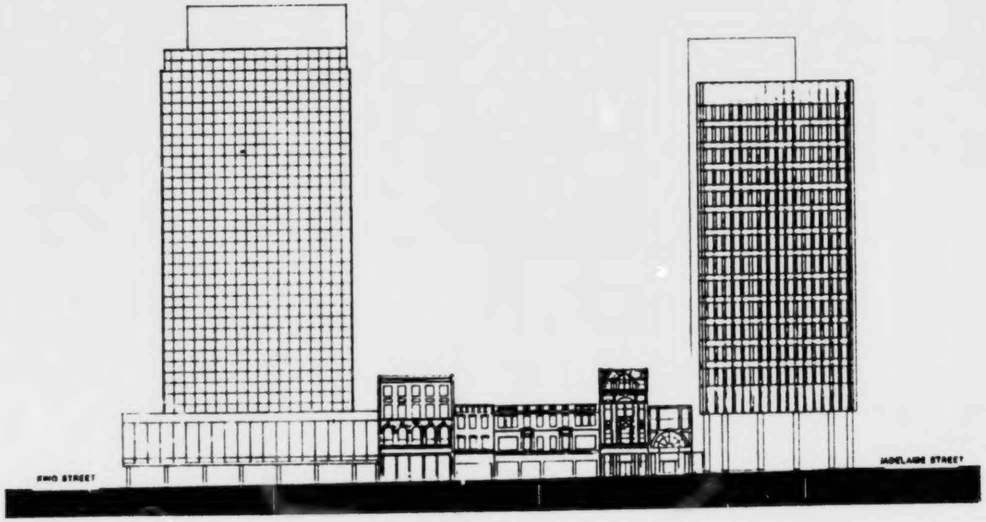
17


HEIGHT IN STOREYS
ADELAIDE STREET
KING STREET

WEST ELEVATION (BAY STREET)
APPLICANT'S PROPOSAL (REV'D)(DR18)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
REDUCED DRAWING
MAY 1984

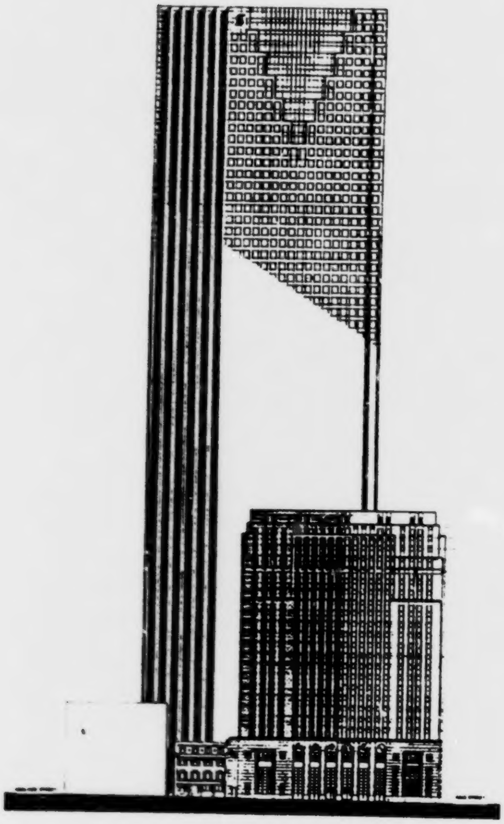
18



EAST ELEVATION (YONGE STREET)
APPLICANT'S PROPOSAL (REV'D) (DR 19)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION MAY, 1984

19



20

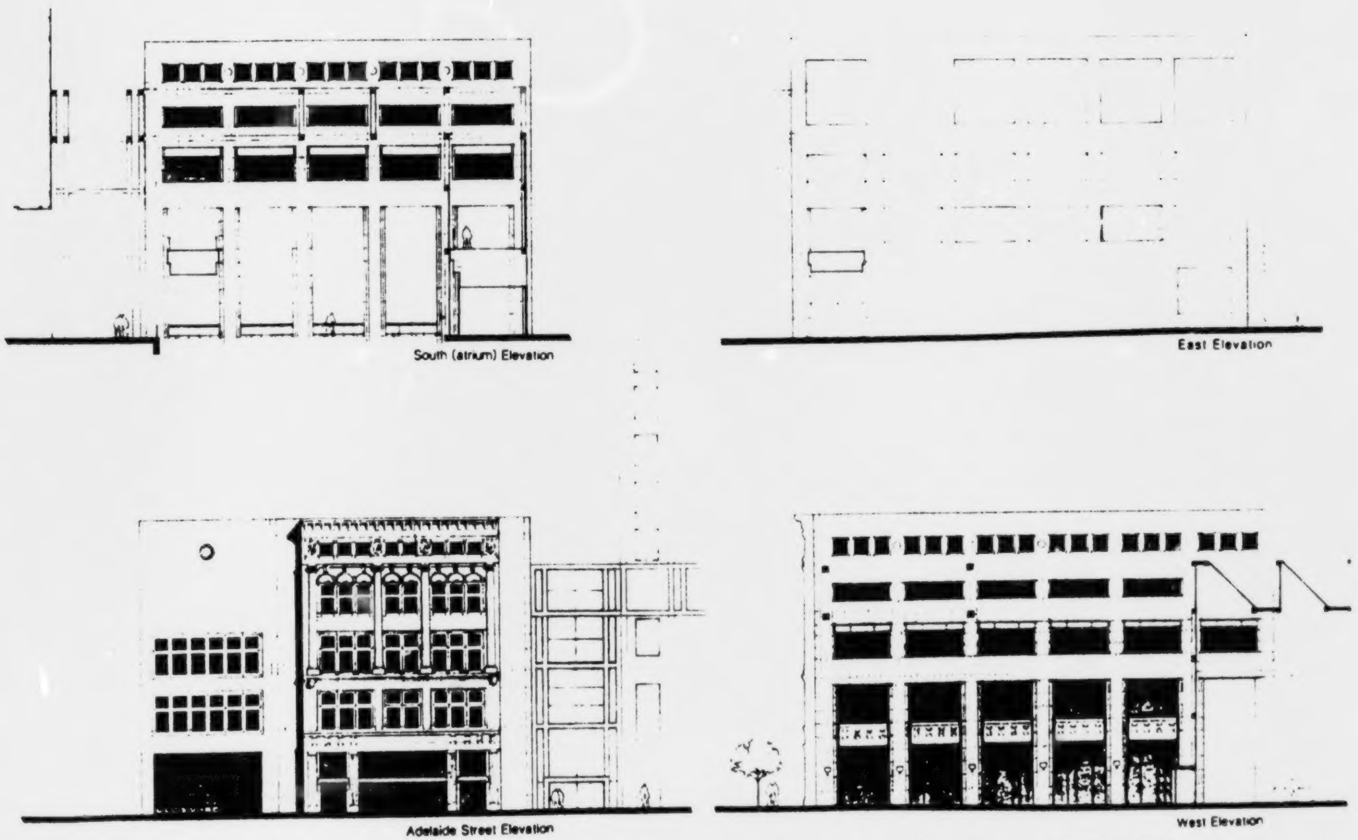
WEST ELEVATION (BAY STREET)

APPLICANT'S PROPOSAL (REV'D.) (DR20)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — MAY, 1984


South (atrium) Elevation
East Elevation
Adelaide Street Elevation
West Elevation

APPLICANT'S PROPOSAL (REV'D.) (SKD 267)

WOOD GUNDY / ADELAIDE STREET BUILDING

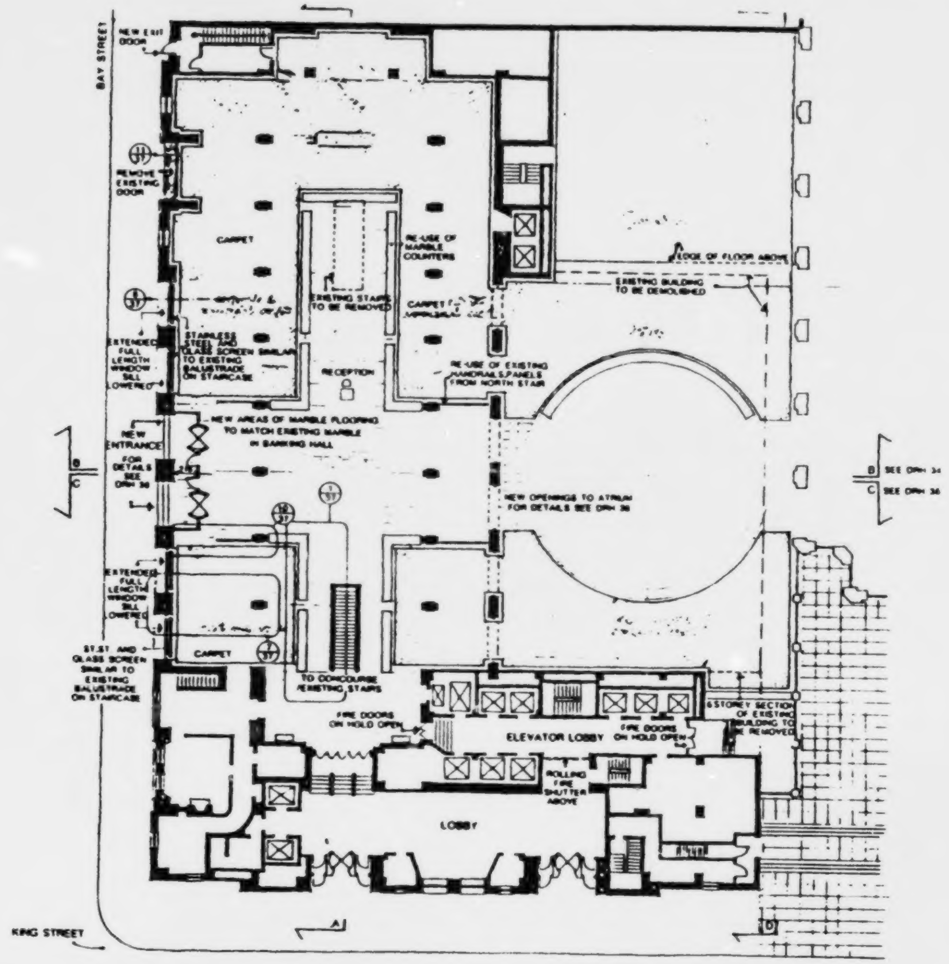
APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHENG McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

MAY, 1984

21


BAY STREET
NEW EXIT DOOR
REMOVE EXISTING DOOR
CARPET
RE-USE OF MARBLE COUNTERS
EXISTING STAIRS TO BE REMOVED
CARPET
EDGE OF FLOOR ABOVE
EXISTING BUILDING TO BE DEMOLISHED
EXTENDED FULL LENGTH WINDOW SILL LOWERED
STAINLESS STEEL AND GLASS SCREEN SIMILAR TO EXISTING BALUSTRADE ON STAIRCASE
RECEPTION
RE-USE OF EXISTING HANDRAILS,PANELS FROM NORTH STAIR
NEW AREAS OF MARBLE FLOORING TO MATCH EXISTING MARBLE IN BANKING HALL
NEW ENTRANCE
FOR DETAILS SEE DRH 36
B
C
B SEE DRH 34
C SEE DRH 36
NEW OPENINGS TO ATRIUM FOR DETAILS SEE DRH 36
EXTENDED FULL LENGTH WINDOW SILL LOWERED
ST.ST. AND GLASS SCREEN SIMILAR TO EXISTING BALUSTRADE ON STAIRCASE
CARPET
TO CONCOURSE EXISTING STAIRS
FIRE DOORS ON HOLD OPEN
ELEVATOR LOBBY
FIRE DOORS ON HOLD OPEN
6 STOREY SECTION OF EXISTING BUILDING TO BE REMOVED
ROLLING FIRE SHUTTER ABOVE
LOBBY
KING STREET
A
D

PROPOSED GROUND FLOOR PLAN
(EXISTING BANK BUILDING)

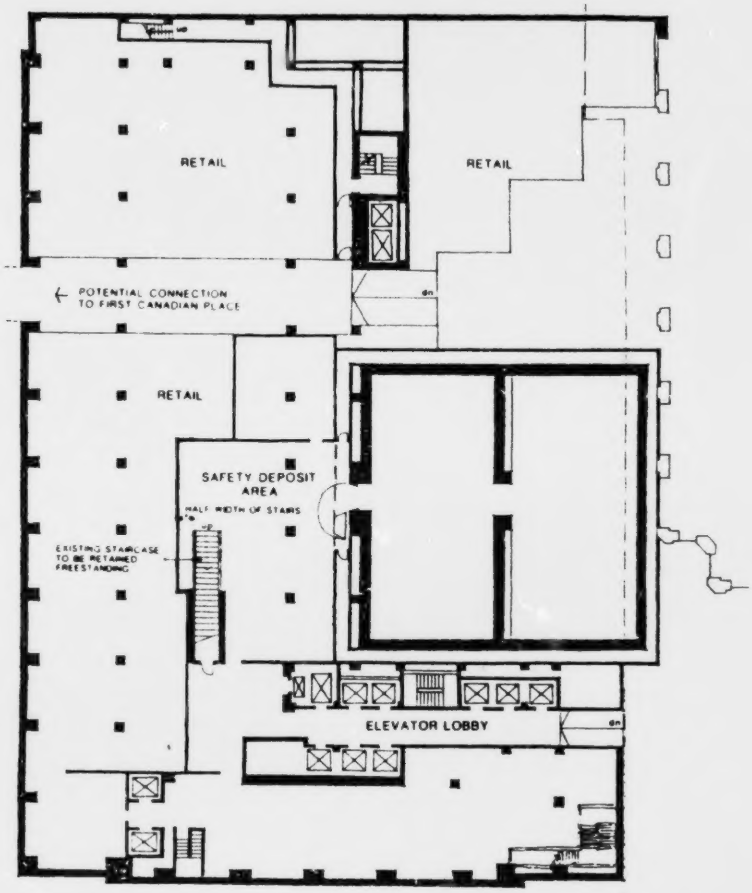
22

APPLICANT'S PROPOSAL (REV'D.) (DRH30)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY ,1984


RETAIL
RETAIL
← POTENTIAL CONNECTION TO FIRST CANADIAN PLACE
dn
RETAIL
SAFETY DEPOSIT AREA
HALF WIDTH OF STAIRS
UP
EXISTING STAIRCASE TO BE RETAINED FREESTANDING
ELEVATOR LOBBY
dn

23

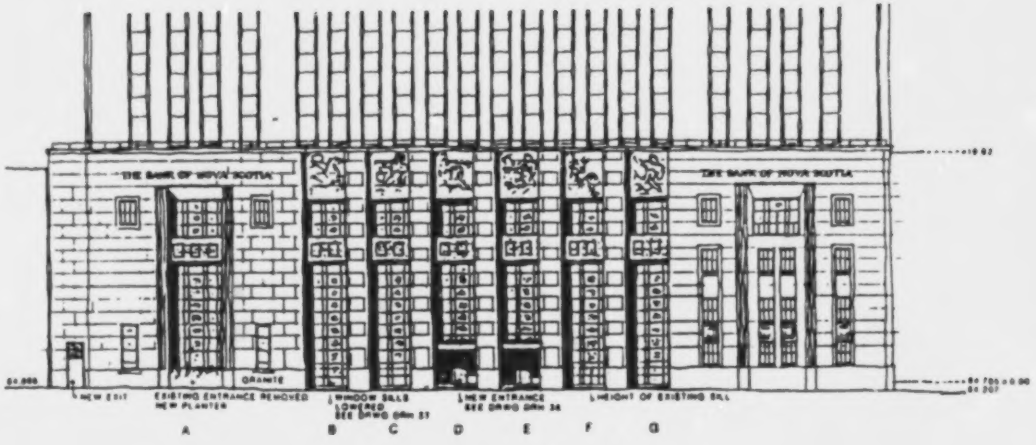
CONCOURSE LEVEL

APPLICANT'S PROPOSAL (REV'D) (DRH31)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY, 1984

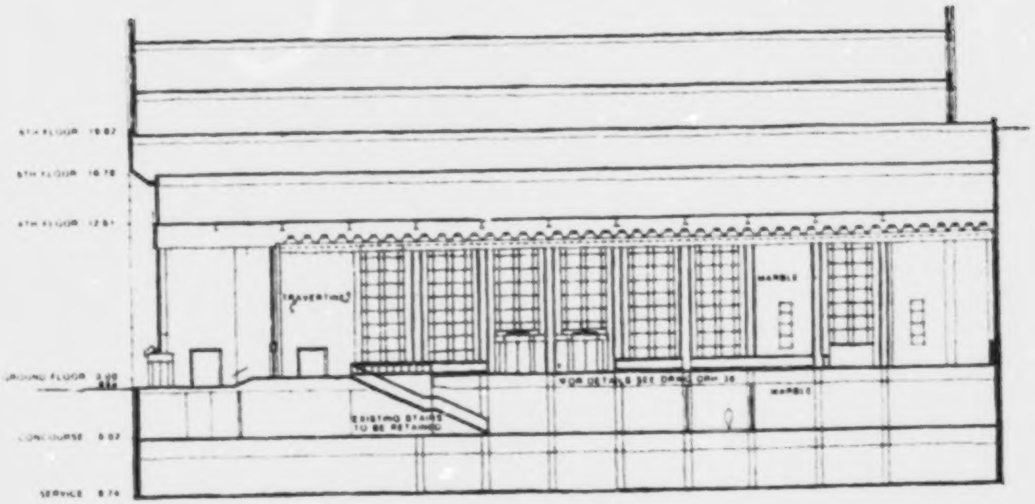

THE BANK OF NOVA SCOTIA
THE BANK OF NOVA SCOTIA
GRANITE
NEW EXIT
EXISTING ENTRANCE REMOVED
NEW PLANTER
WINDOW SILLS
LOWERED
SEE DRWG DRH 37
NEW ENTRANCE
SEE DRWG DRH 34
HEIGHT OF EXISTING SILL
A
B
C
D
E
F
G

PROPOSED BAY STREET ELEVATION
(EXISTING BANK BUILDING)
APPLICANT'S PROPOSAL (REV'D)(DRH32)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION — MAY 1984

24

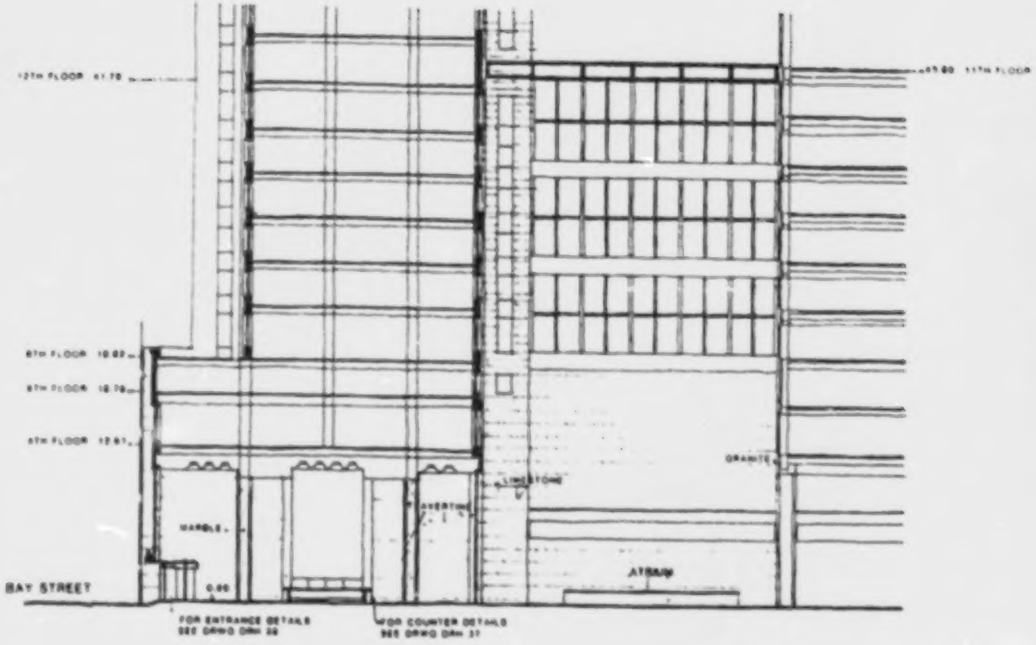

7TH FLOOR 19.07
6TH FLOOR 16.78
5TH FLOOR 12.81
GROUND FLOOR 0.00
CONCOURSE 5.07
SERVICE 8.74
TRAVERTINE
MARBLE
MARBLE
FOR DETAILS SEE DRWG DRM 36
EXISTING STAIRS TO BE RETAINED

SECTION A-A
APPLICANT'S PROPOSAL (REV'D) (DRM33)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

25

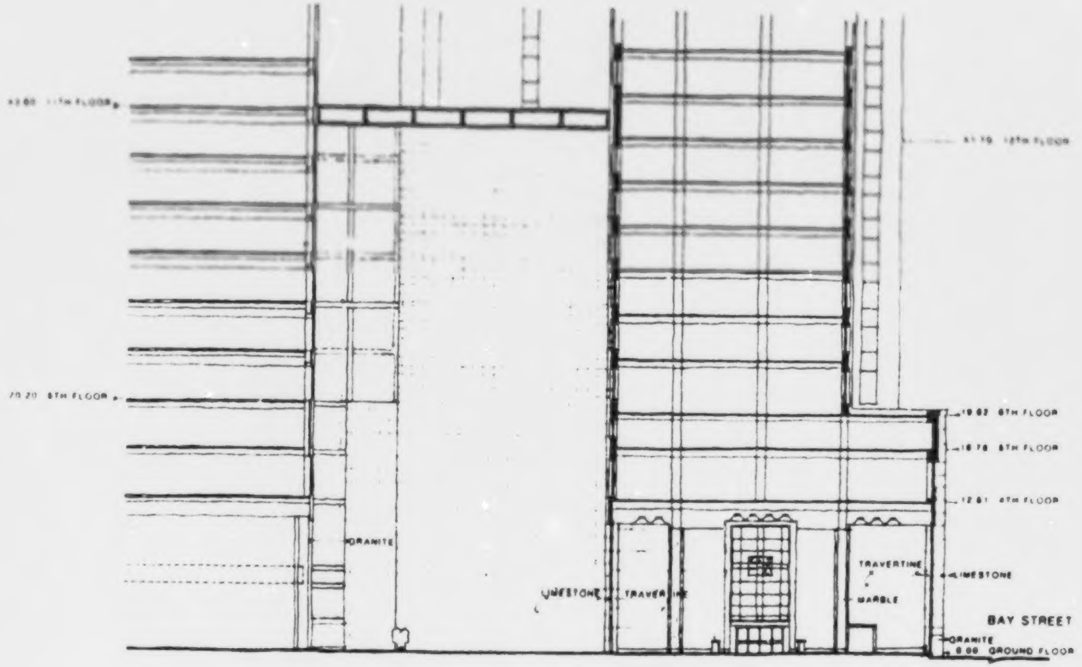

12TH FLOOR 41.70
47.80 11TH FLOOR
8TH FLOOR 19.82
6TH FLOOR 16.70
4TH FLOOR 12.61
MARBLE
TRAVERTINE
LIMESTONE
GRANITE
ATRIUM
BAY STREET
0.00
FOR ENTRANCE DETAILS SEE DRWG DRH 36
FOR COUNTER DETAILS SEE DRWG DRH 37

SECTION B-B
APPLICANT'S PROPOSAL (REV'D) (DRH34)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1986

26


43.80 11TH FLOOR
29.20 8TH FLOOR
51.70 12TH FLOOR
19.82 6TH FLOOR
16.78 5TH FLOOR
12.81 4TH FLOOR
GRANITE
LIMESTONE
TRAVERTINE
TRAVERTINE
MARBLE
LIMESTONE
BAY STREET
GRANITE
0.00 GROUND FLOOR

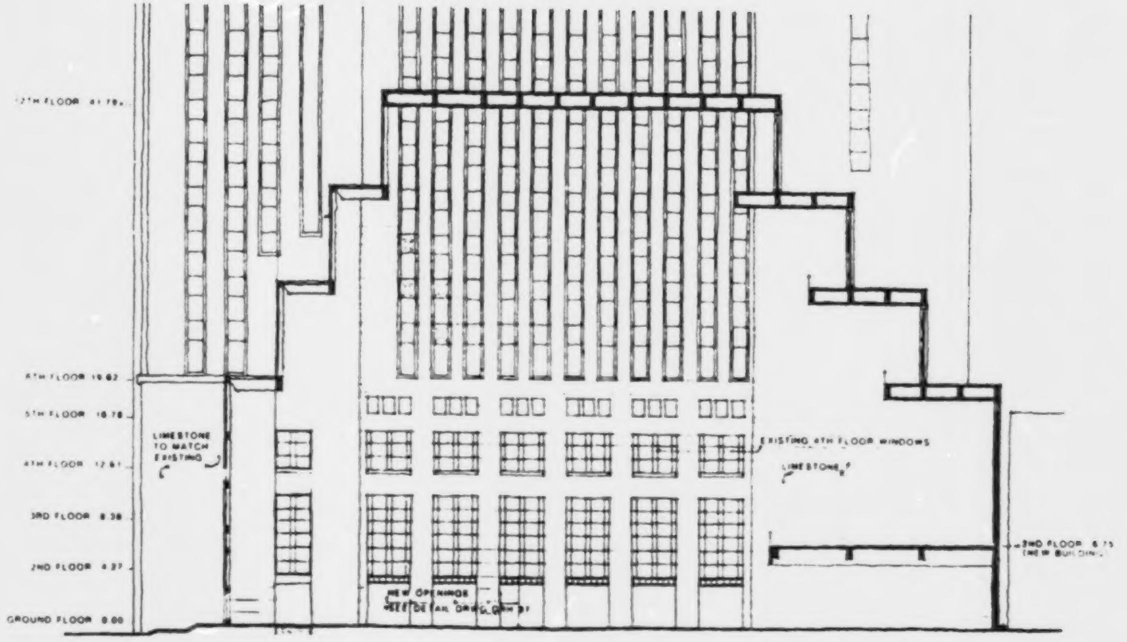
SECTION C-C
APPLICANT'S PROPOSAL (REV'D) (DRH35)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

27


12TH FLOOR 41.79
6TH FLOOR 19.82
5TH FLOOR 16.78
4TH FLOOR 12.61
3RD FLOOR 8.38
2ND FLOOR 4.37
GROUND FLOOR 0.00
LIMESTONE TO MATCH EXISTING
NEW OPENINGS SEE DETAIL DRWG. DRH 37
EXISTING 4TH FLOOR WINDOWS
LIMESTONE
2ND FLOOR 6.75 (NEW BUILDING)

SECTION D-D

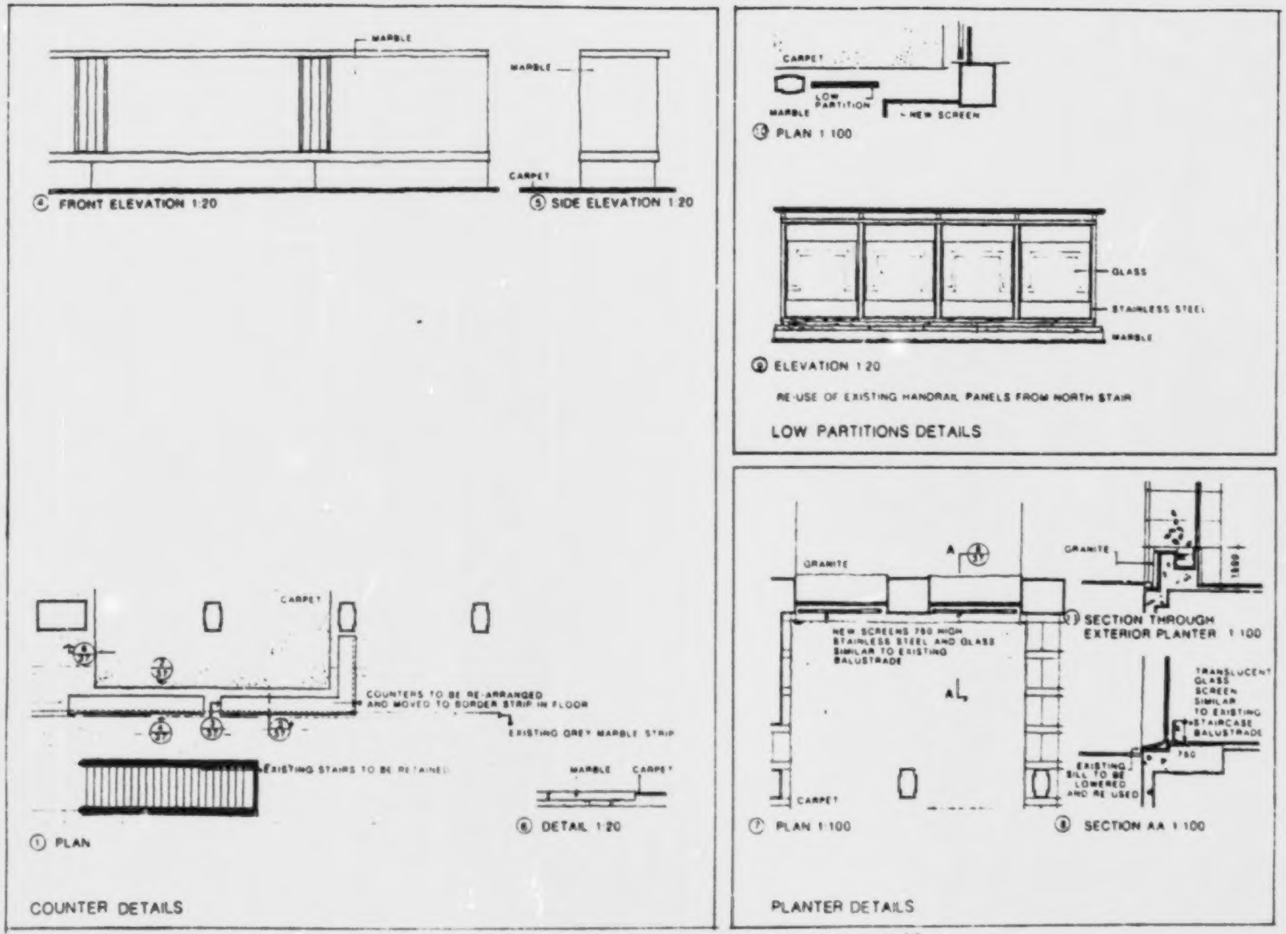
APPLICANT'S PROPOSAL (REV'D) (DRH36)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1984

28


MARBLE
④ FRONT ELEVATION 1:20
MARBLE
CARPET
⑤ SIDE ELEVATION 1:20
CARPET
COUNTERS TO BE RE-ARRANGED AND MOVED TO BORDER STRIP IN FLOOR
EXISTING GREY MARBLE STRIP
EXISTING STAIRS TO BE RETAINED
① PLAN
MARBLE
CARPET
⑥ DETAIL 1:20
COUNTER DETAILS
CARPET
MARBLE
LOW PARTITION
NEW SCREEN
③ PLAN 1:100
GLASS
STAINLESS STEEL
MARBLE
② ELEVATION 1:20
RE-USE OF EXISTING HANDRAIL PANELS FROM NORTH STAIR
LOW PARTITIONS DETAILS
GRANITE
A
NEW SCREENS 750 HIGH STAINLESS STEEL AND GLASS SIMILAR TO EXISTING BALUSTRADE
A
CARPET
⑦ PLAN 1:100
GRANITE
1800
SECTION THROUGH EXTERIOR PLANTER 1:100
TRANSLUCENT GLASS SCREEN SIMILAR TO EXISTING STAIRCASE BALUSTRADE
750
EXISTING SILL TO BE LOWERED AND RE-USED
⑧ SECTION AA 1:100
PLANTER DETAILS

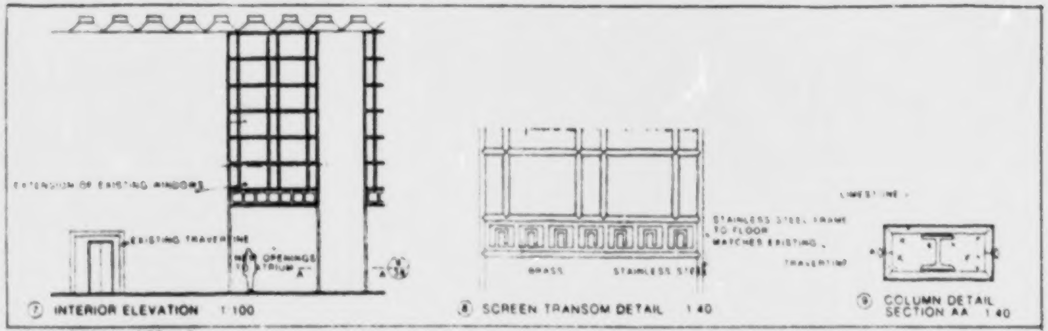
29

INTERIOR DETAILS
APPLICANT'S PROPOSAL (REV'D) (DRH37)

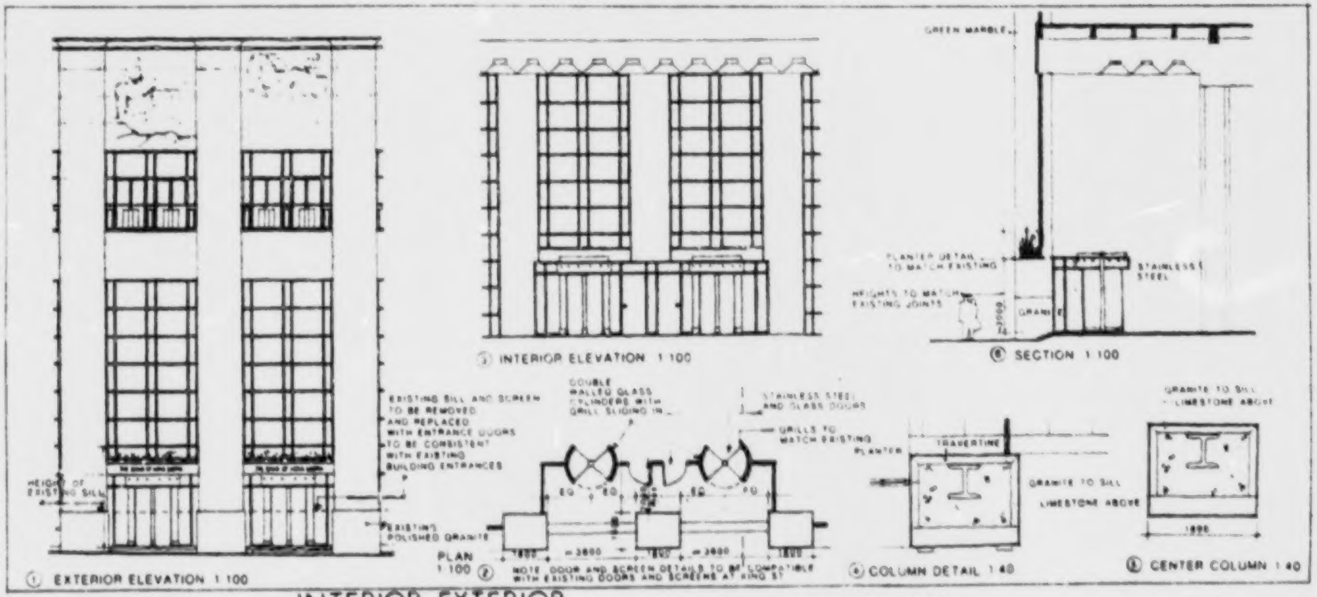
APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING
MAY 1994


EXTENSION OF EXISTING WINDOWS
EXISTING TRAVERTINE
NEW OPENINGS TO ATRIUM
A
7 INTERIOR ELEVATION 1:100
STAINLESS STEEL FRAME TO FLOOR MATCHES EXISTING
BRASS
STAINLESS STEEL
8 SCREEN TRANSOM DETAIL 1:40
LIMESTONE
TRAVERTINE
9 COLUMN DETAIL SECTION AA 1:40

ATRIUM SCREEN DETAILS


HEIGHT OF EXISTING SILL
EXISTING SILL AND SCREEN TO BE REMOVED AND REPLACED WITH ENTRANCE DOORS TO BE CONSISTENT WITH EXISTING BUILDING ENTRANCES
EXISTING POLISHED GRANITE
1 EXTERIOR ELEVATION 1:100
3 INTERIOR ELEVATION 1:100
DOUBLE WALLED GLASS CYLINDERS WITH GRILL SLIDING IN
STAINLESS STEEL AND GLASS DOORS
GRILLS TO MATCH EXISTING
EQ
EQ
EQ
EQ
1800
±3800
1800
±3800
1800
PLAN 1:100 2
NOTE DOOR AND SCREEN DETAILS TO BE COMPATIBLE WITH EXISTING DOORS AND SCREENS AT KING ST
GREEN MARBLE
PLANTER DETAIL TO MATCH EXISTING
HEIGHTS TO MATCH EXISTING JOINTS
GRANITE
2000
STAINLESS STEEL
6 SECTION 1:100
PLANTER
TRAVERTINE
GRANITE TO SILL
LIMESTONE ABOVE
4 COLUMN DETAIL 1:40
GRANITE TO SILL
LIMESTONE ABOVE
1800
5 CENTER COLUMN 1:40

INTERIOR-EXTERIOR
SCREEN DETAILS
APPLICANT'S PROPOSAL (REV'D) (DRH38)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1984

30

Appendix A

Comments of Civic Officials

A. Commissioner of Public Works (April 16, 1984)

"I dealt with the proposal for the above noted site, located in the block bounded by King Street West, Bay Street, Adelaide Street West and Yonge Street, in my reports to you of March 15, April 12, May 5, and August 31, 1983, and February 21, 1984.

The project has now been revised to, among other things:

1. Delete the proposed pedestrian bridge over Adelaide Street West;
2. Redesign the proposed bridge over Grand Opera Lane; and
3. Redesign the landscaping, including the provision of trees within the King Street West, right-of-way.

The revisions do not affect the recommendations in my report to you of August 31, 1983.

I should point out, however, that it will be necessary for the applicant to submit a separate application to my Department for approval of the trees and all other landscaping proposed within the rights-of-way of the abutting streets."

B. Toronto Historical Board (March 7, 1984)

"The drawings dated January 12th, 1984 and forwarded with your letter of February 3rd, 1984, have been reviewed and the revisions do not appear to affect the Board's previous acceptance of the proposals. Mr. Mal Williams has been advised that there are no further comments resulting from these new drawings."

Appendix B

Pedestrian Level Wind Study Scotia Plaza Daycare Centre Playground

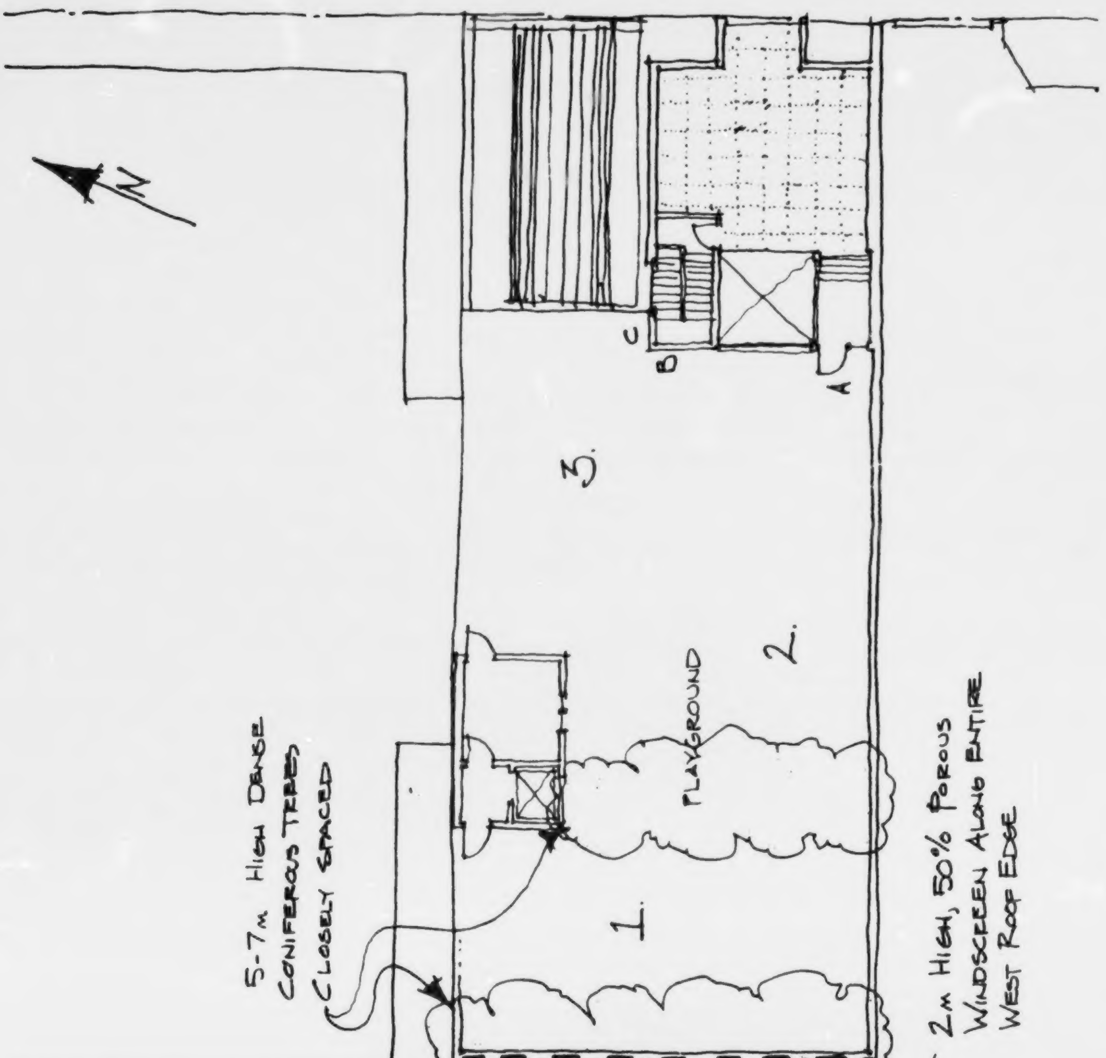
(Prepared by: Morrison Hershfied Limited, Consulting Engineers)

"We conducted wind speed recording tests to examine the effectiveness of several potential solution configurations. After these tests, we concluded that the solutions, as presented in this report, would best satisfy the need for wind control on the roof as well as satisfy the requirement to provide large unobstructed playground areas.

The results of the wind spped measurements conducted on three test locations are shown on the enclosed pedestrian level wind comfort graphs. These graphs are in a format similar to those presented in one of our earlier reports (MH Ltd. Report 483-11021, dated April 11, 1984) which was submitted to your office. A detailed description of these graphs is included in the appendix of this report.

The three locations where wind spped measurements were recorded are identifed on the enclosed sketch along with our wind control solutions. Since the playground will be used during the wintertime, coniferous trees are recommended as windbreaks. The lower 2 metres of branch structure cold be removed to allow pedestrian traffic beneath. It is important that the conifers selected for this roof area have fairly dense foliage. Also, the trees should be planted closely together so as to eliminate gaps between the branches of adjacent trees.

For winter time considerations, we recommend relocating the door at location 'A' to either location 'B' or 'C'. This would locate the playground access door in an area where winds would be less active. The door would essentially be moved from wind speeds similar to those recorded at Location 2, to a less windy area (Location 3). Also wintertime playground activity should be concentrated in the vicinity of Location 2. Winter winds in this area would be suited to playground activity whereas winds at the other locations would not. As discussed, a majority of the roof area would be obstructed with wind control elements if it were necessary to provide further wind speed reductions at Locations 1 and 2."


N
5-7m High Dense Coniferous Trees Closely Spaced
Playground
1.
2.
3.
A
B
C
2m High, 50% Porous Windscreen Along Entire West Roof Edge

The Committee also submits the further report (June 22, 1984) from the Commissioner of Planning and Development:

Subject: Heritage Easement Agreement for the Upper Canada Bible and Tract Society building (Dunfield) at 102 Yonge Street in conjunction with the Scotia Plaza development, Application No. 1633 - Ward 6.

Origin: Land Use Committee, March 7, 1984 (Report: c71luc84332:46; Appendix: 84/agree/008:46)

Comments:

1. Summary

This report discusses the terms of a Heritage Easement Agreement for the Upper Canada Bible and Tract Society building at 102 and 106 Yonge Street and the proposed renovations and alterations which would be permitted to integrate the building into the Scotia Plaza development. I am recommending that the City enter into a Heritage Easement Agreement substantially in the form of the draft agreement appended to this report.

Development Review for the proposed Scotia Plaza development, including plans and drawings for the historic buildings is contained in a separate report.

2. Background

Your Committee on March 7, 1984 adopted my Final Report of March 2, 1984 respecting the Scotia Plaza development. The report recommended, among other things, that I report further on the terms of a Heritage Easement Agreement respecting the Upper Canada Bible and Tract Society building. Your Committee adopted my report and further decided, among other things, that "final adoption and enactment of the final plan amendments and by-laws, respectively, will be postponed until all the agreements necessary to implement the development have been settled and executed".

City Council on May 28 adopted my reports on the Critical Path for Scotia Plaza and Waterpark Place, dated May 14, 1984, and May 25, 1984, (LUC Report No. 11, Cl. 32) as amended. The effect of this action of City Council was to defer final consideration of the proposed amendments to the Official Plan and Zoning By-law, as well as my final reports on Scotia Plaza and Waterpark Place, and the required further reports on matters outstanding with reference to Scotia Plaza and erpark Place to a special meeting of the Land Use Committee scheduled for June 26, 1984, including Heritage Easement Agreements for the historic buildings on the proposed Scotia Plaza development lot.

3. Reasons for Identific0;0;66 The Upper Canada Bible and Tract Society building has been listed by the Toronto Historical Board as having architectural significance. It has not yet been designated under the Ontario Heritage Act. However, as I have indicated in Section 6 of this report, the applicants have agreed to designation following the coming into force of the proposed by-laws for Scotia Plaza and Waterpark Place. The Board has given the following reasons for the identification of the building:

"The Upper Canada Bible and Tract Society built this, their second building, designed by Architects, Gordon & Helliwell, in 1886, on land donated by Jessie Ketchum. Alterations for Dunfield and Company were made in 1910 and later at street level for Cameron-Jeffries Limited, the occupant from 1939 until the early 1980's. The facade is tripartite in design, with base at street level, a two storey central section and an attic storey. The base has a high storefront with a plain frame and a full-width moulded cornice from which the mid-section rises. The second and third storey section is divided into three bays by four plain stone pilasters which flank a central double-width bay. The narrower bay at each side has double-hung windows at each floor level separated by bas-relief stone spandrels both with carved garlands and one with a Bible and the other with a scroll. There is an arched transom with carved details at the top of each bay. The double-width central bay has the lower window set forward as an oriel surmounted with a pediment and a metal balcony railing at the upper window level. Deep brackets rise from the pilaster capitals to support the moulded cornice below the attic storey. The mansard roof has two facets and is flanked by segmental stone parapets on top of the brick side walls. A pedimented dormer, reflecting the proportions of the central section in three parts, has decorative scrolls over the smaller side windows. The double-width central window has a transom section, flanking pilasters, inset panels below the pediment, moulded trim and a central rosette. The building is a prominent element in a block of important buildings, especially the architecturally related buildings to the south, which together reflect the heritage and traditional scale of Yonge Street facades."

4. Alterations and Renovations

The significant aspects of the building as described in the Reasons for Identification are embodied in its Yonge Street facade. The scale and detail which are particularly valuable can be maintained without the retention of all of the original building on the site. The proposed Zoning By-law and the proposed Heritage Easement Agreement require the retention of the portion of the building extending from the street line to a depth of 9.5 metres. This is adequate to retain the roof form of the building and a room at each floor level. The interior of this portion of the building is in poor condition and it is expected that fairly substantial renovation of this space will be undertaken when the building is integrated into the Scotia Plaza development.

The development plans for Scotia Plaza indicate a new two-storey building to be attached to the Upper Canada Bible and Tract Society building with stairs connecting the new second floor level to the existing floors of the building. This second floor and all three of the upper floors of the Dunfield building are to be used as a daycare centre for at least 50 children. The ground floor of the Dunfield building would be retained as a retail space. Considerable changes are proposed below grade through the existing basement area of the building. A major connection to a pedestrian tunnel connecting to the King Street subway station would pass through this area.

The proposed Heritage Easement Agreement provides that the owner may undertake demolition of portions of the building, replacement, construction, alteration and remodelling as shown in the drawings referred to in my report for Development Review for Scotia Plaza dated June 22, 1984, 1984. It is therefore necessary that the development review drawings be approved prior to the approval of this agreement.

The proposed agreement would require that working drawings for any of the proposed changes be submitted to the Commissioner of Planning and Development for approval in consultation with the Toronto Historical Board.

5. Terms of the Agreement

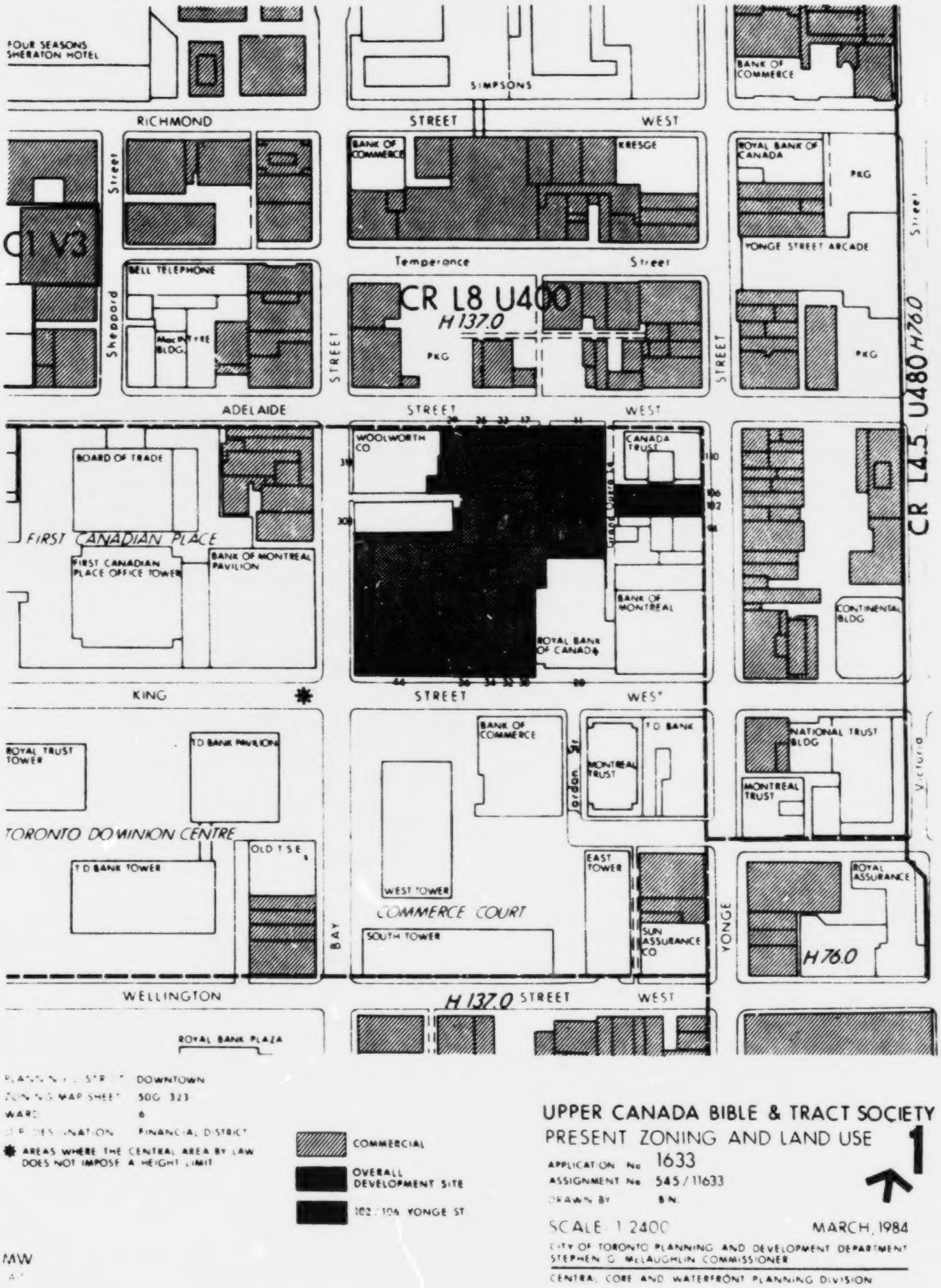
The draft Heritage Easement Agreement is generally consistent in form with that adopted by City Council at its meeting on June 11, 1984 for the Wood-Gundy facade (Land Use Committee Report No. 12, Clause 18). It would be executed by Campeau and the owners and registered against the title to the lands comprising the Scotia Plaza development lot. The draft Heritage Easement Agreement for the Bank of Nova Scotia and the National Club will also be of a similar form.

One of the aspects in which the proposed Agreement differs from the standard form of agreement is in its fixed term and "unwinding" provisions. The duration of the Agreement is to March 31, 2079. However, it may be terminated on June 30, 2057 if Scotia Realty Ltd. intends at that point to demolish the Scotia Plaza building to make way for a new development and the City has approved development plans for such. In the event that any of the proposed by-laws containing amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place are not approved or the Master Agreement contemplated in my report of March 2, 1984 is terminated, the Heritage Easement Agreement would also terminate.

6. Designation

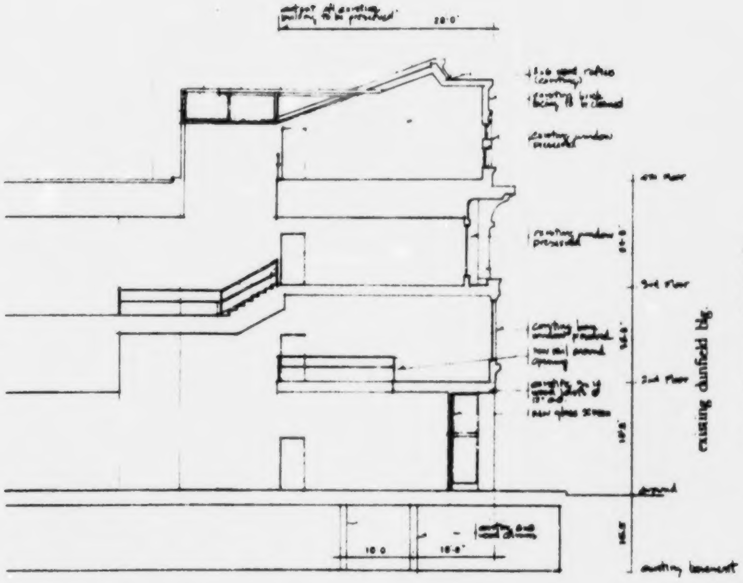
The Toronto Historical Board intends to propose the designation of the Upper Canada Bible and Tract Society building at a suitable time following the coming into force of the by-laws relating to Scotia Plaza and Waterpark Place and the applicants have agreed to this. The Master Agreement will provide that Campeau and the owners will not object to the designation of 102 Yonge Street under the Ontario Heritage Act at any time after the issuance of a building permit for the portion of the Scotia Plaza development which includes alterations to 102 Yonge Street.

Recommendation: That, subject to the approval of Development Review drawings for Scotia Plaza, City Council approve a Heritage Easement Agreement substantially in the form of the draft agreement appended to this report and authorize the execution of the same.

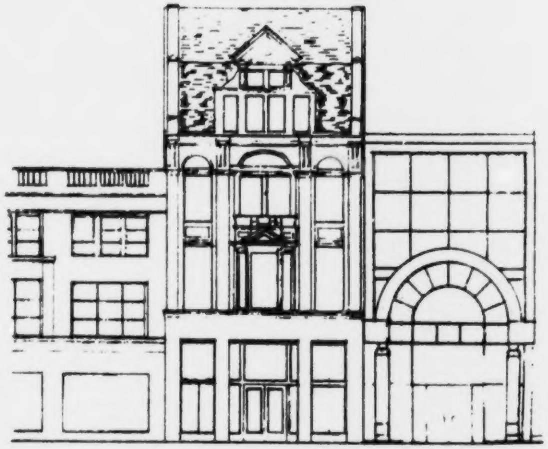

FOUR SEASONS SHERATON HOTEL
SIMPSONS
BANK OF COMMERCE
RICHMOND
STREET
WEST
BANK OF COMMERCE
KRESGE
ROYAL BANK OF CANADA
PKG
Street
Street
C1 V3
Temperance
Street
YONGE STREET ARCADE
BELL TELEPHONE
Sheppard
MacINTYRE BLDG.
CR L8 U400
H 137.0
STREET
PKG
STREET
PKG
CR L4.5 U480 H76.0
ADELAIDE
STREET
WEST
WOOLWORTH CO
CANADA TRUST
BOARD OF TRADE
FIRST CANADIAN PLACE
FIRST CANADIAN PLACE OFFICE TOWER
BANK OF MONTREAL PAVILION
Grand Opera La.
BANK OF MONTREAL
ROYAL BANK OF CANADA
CONTINENTAL BLDG
KING
STREET
WEST
ROYAL TRUST TOWER
TD BANK PAVILION
BANK OF COMMERCE
Jordan St.
MONTREAL TRUST
T.D. BANK
NATIONAL TRUST BLDG
MONTREAL TRUST
Victoria
TORONTO DOMINION CENTRE
OLD T.S.E.
T.D BANK TOWER
WEST TOWER
EAST TOWER
ROYAL ASSURANCE
COMMERCE COURT
SOUTH TOWER
SUN ASSURANCE CO
BAY
YONGE
H 76.0
WELLINGTON
H 137.0
STREET
WEST
ROYAL BANK PLAZA
PLANNING DISTRICT DOWNTOWN
ZONING MAP SHEET 50G 323
WARD 6
DESIGNATION FINANCIAL DISTRICT
AREAS WHERE THE CENTRAL AREA BY LAW DOES NOT IMPOSE A HEIGHT LIMIT
COMMERCIAL
OVERALL DEVELOPMENT SITE
102/104 YONGE ST
1

UPPER CANADA BIBLE & TRACT SOCIETY
PRESENT ZONING AND LAND USE
APPLICATION No 1633
ASSIGNMENT No 545/11633
DRAWN BY B.N.
SCALE 1:2400 MARCH, 1984
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

MW


28'0"
existing window preserved
4th floor
existing window preserved
3rd floor
2nd floor
ground
10'0
16'6"
existing basement
existing dunfield bldg.

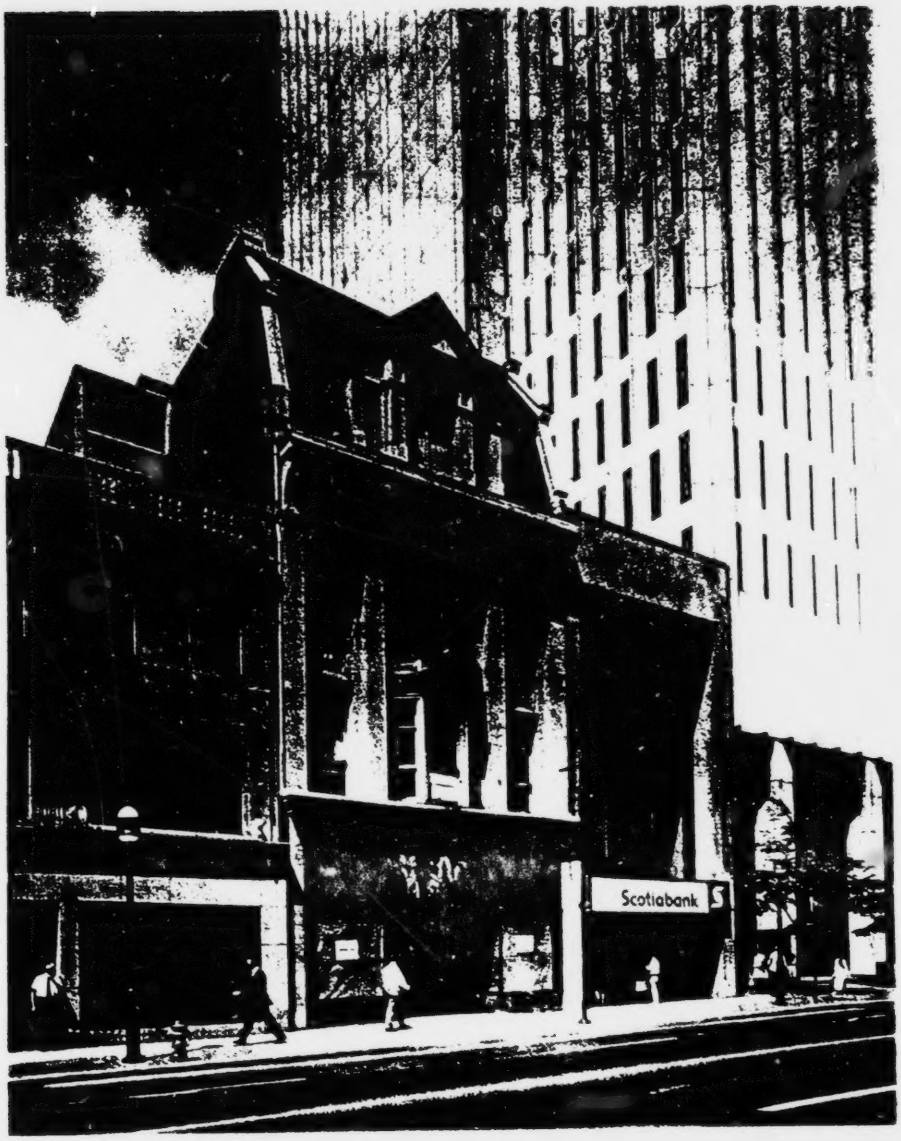
SECTION LOOKING NORTH



EAST ELEVATION

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
JUNE, 1984

2



3

DUNFIELD BUILDING ON YONGE STREET

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT   REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION   FEB , 1984

Draft

Upper Canada Bible and Tract Society Building

THIS EASEMENT AGREEMENT made as of this ____ day of ___, 1984.

BETWEEN:

SCOTIA REALTY LIMITED and
THE BANK OF NOVA SCOTIA PROPERTIES LIMITED
(hereinafter called "the Owner"),

OF THE FIRST PART

-and-

CAMPEAU CORPORATION
(hereinafter called the "Company")

OF THE SECOND PART

-and-

THE CORPORATION OF THE CITY OF TORONTO
(hereinafter called the "Municipality")

OF THE THIRD PART

-and-

CITICOM INC.
(hereinafter called "Citicom")

OF THE FOURTH PART

-and-

ROYAL BANK REALTY INC.
(hereinafter called "Royal)

OF THE FIFTH PART

WHEREAS the Owner, being wholly owned subsidiaries of The Bank of Nova Scotia, is the owner or has proposed to become the owner of the freehold or leasehold interests in certain lands and premises situated in the City of Toronto, in the Municipality of Metropolitan Toronto, which lands and premises (hereinafter called the "Property") include the lands known for municipal purposes in the year 1984 as 102 and 106 Yonge Street on which are erected attached buildings (hereinafter called the "Building") and certain abutting lands or adjacent lands, all of which are more particularly described in Schedule "A" attached hereto;

AND WHEREAS Citicom is the owner in reversion of that portion of the Property which comprises the lands known for municipal purposes in 1984 as 11 Adelaide Street West;

AND WHEREAS Royal has an interest in that portion of the property which comprises the lands for municipal purposes in 1984 as 11 R. Adelaide Street West;

AND WHEREAS the Company is to become the tenant under a lease from the Owner (hereinafter called the "Lease"), inter alia, of the lands more particularly described in Schedule

"A", with the exception of Part 1 shown on Reference Plan of Survey Number 63R 3120 registered in the Registry Office for the Registry Division of Toronto (63);

AND WHEREAS one of the purposes of the Ontario Heritage Act, R.S.O. 1980, c. 337, is to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

AND WHEREAS by Subsection 37(1) of the Ontario Heritage Act, the Municipality is entitled to enter into easements or covenants with owners of real property, or interests therein, for the conservation of buildings of historic or architectural value or interest;

AND WHEREAS by Subsections 37(3) and (4) of the Ontario Heritage Act, such covenants and easements entered into by the Municipality when registered in the proper land registry office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Municipality or its assignee against the owners or any subsequent owners of the real property, even where the Municipality owns no other land which would be accommodated or benefitted by such covenants and easements;

AND WHEREAS in this Agreement the Parties hereto desire to conserve portions of the Building on the lands which are particularly described in Schedule "B" attached hereto;

AND WHEREAS to this end, the Owner, the Club and the Municipality desire to enter into this Easement Agreement (hereinafter called the "Agreement");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TWO DOLLARS ($2.00) of lawful money of Canada now paid by each of the Parties to the other Parties hereto (the receipt of which is hereby of each of them acknowledged), and for other valuable consideration, and in further consideration of the granting of the easements herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner, the Company and the Municipality agree to abide by the following covenants, easements and restrictions which shall run with the Property.

1.0 Reasons for Identification

1.1 Statement of Reasons

The Owner, the Company and the Municipality agree that for the purposes of this Agreement the following statement (hereinafter called "the Reasons for Identification") sets out the reasons why the Building has been identified by the Municipality as having historic and architectural significance:

> "The Upper Canada Bible and Tract Society built this, their second building, designed by Architects, Gordon & Helliwell, in 1886, on land donated by Jessie Ketchum. Alterations for Dunfield and Company were made in 1910 and later at street level for Cameron-Jeffries Limited, the occupant from 1939 until the early 1980's. The facade is tripartite in design, with base at street level, a two storey central section and an attic storey. The base has a high storefront with a plain frame and a full-width moulded cornice from which the mid-section rises. The second and third storey section is divided into three bays by four plain stone pilasters which flank a central double-width bay. The narrower bay at each side has double-hung windows at each floor level separated by bas-relief stone spandrels both with carved garlands and one with a Bible and the other with a scroll. There is an arched transom with carved details at the top of each bay. The double-width central bay has the lower window set forward as an oriel surmounted with a pediment and a metal balcony railing at the upper window level. Deep brackets rise from the pilaster capitals to support the moulded cornice below the attic storey. The mansard roof has two facets and is flanked by segmental stone parapets on top of the brick side walls. A pedimented dormer, reflecting the proportions of the central section in three parts, has decorative scrolls over the smaller side windows. The double-width central window has a transom section, flanking pilasters, inset panels below the pediment, moulded trim and a central rosette. The building is a prominent element in a block of important buildings, especially the architecturally related buildings to the south, which together reflect the heritage and traditional scale of Yonge Street facades."

1.2 Reasons for Identification and Photographs Relevant to Duties etc. of the Owner and the Company

The Owner, the Company and the Municipality have agreed that the photographs, contained in Schedule "C" attached hereto, the originals or facsimiles of which are filed in, and may be examined at, the Archives of the Municipality, wherever they may be from time to time located, generally depict certain significant features of the appearance or the construction of the Building. The Reasons for Identification and the aforesaid photographs shall be referred to in determining the duties of the Owner under this Agreement.

Forthwith after the completion, from time to time, of the permitted changes to the Building, as provided for in paragraph 2.1 hereof, the Owner and/or the Company will provide the City, at the Owner's and/or the Company's expense, with photographs taken from the same vantage point and identifying the same features as the photograph contained in Schedule "C". If the City accepts such photographs, they shall be incorporated in Schedule "C" by way of amendment to this Agreement, and shall replace the photographs contained in Schedule "C". After such amendments are made, all references in this Agreement to the photographs contained in Schedule "C" shall be taken to be references to such replacement photographs.

2.0 Duties of the Owner and the Company

2.1 Normal Repairs and Alterations

Whether or not a property which includes the Building is designated under the provisions of the Ontario Heritage Act (and if such a property is designated, without derogating in any way from the Owner's and/or the Company's duty to comply with that Act in respect of acts or matters which are not specifically dealt with in this Agreement in language which conflicts with the language of that Act except as hereinafter set forth), the Owner and the Company shall not, without the prior written approval of the Municipality, undertake or permit any demolition, construction, alteration, remodelling, or any other thing or act which would materially affect the features of the appearance, or the construction of the Building which are referred to in the Reasons for Identification, and/or are generally depicted in the photographs referred to in paragraph 1.2 to the extent that such photographs are not inconsistent with the Reasons for Identification.

The approval required to be obtained from the Municipality under this paragraph 2.1 is in addition to all other approvals required by law. The approval shall be deemed to have been given upon the failure of the Municipality to respond in writing to a written request for it within ninety (90) days of receiving such request at its address as set out in paragraph 8.1 of this Agreement. If the approval of the Municipality is given or deemed to be given under this paragraph 2.1, the Owner, and/or the Company in undertaking or permitting the construction, alteration, remodelling or other thing or act so approved of, shall use materials approved by the Municipality.

Without limiting the generality of the foregoing, it is understood and agreed that, in addition to all other approvals required by law to all relevant working drawings and specifications in respect of the construction, alteration, remodelling or other thing or act, after first obtaining the approval of the Municipality pursuant to this paragraph 2.1, the Owner and/or the Company may undertake those demolitions of portions of the Building, replacement of such portions, constructions, alterations and remodellings, generally as shown on the drawings contained in Schedule "D" attached hereto.

In addition to complying with the Ontario Building Code Act and the Planning Act, the Owner and the Company agree to submit copies of all relevant working drawings and specifications for permitted alterations, to the Commissioner of Planning and Development for his approval prior to undertaking each of the permitted alterations. Such working drawings and specifications shall be in a form which is satisfactory to the Commissioner of Planning and Development.

It is understood that approval is not required under this paragraph 2.1 in respect of the installation, removal or replacement of moveable office furniture or equipment, provided that such installation does not affect any features of the construction or appearance of the Building referred to in the Reasons for Identification and/or are generally depicted in the photographs referred to in paragraph 1.2 to the extent that such photographs are not inconsistent with the Reasons for Identification.

2.2 Insurance

The Owner and/or the Company shall at all times during the currency of this Agreement keep the Building insured against normal perils that are coverable by fire and extended perils coverage insurance in an amount equal to the replacement cost of the Building. The Owner and/or the Company shall deposit with the Commissioner of Finance and City Treasurer for the Municipality, within three (3) weeks of the execution of this Agreement, a certified copy of the insurance policy referred to above, or a certificate in respect thereof, with limits and with a Company that is acceptable to the said Commissioner of Finance and City Treasurer, acting reasonably. Thereafter evidence satisfactory to the Municipality of the renewal or replacement of insurance shall be delivered to the Municipality at least three (3) clear days before the termination thereof. For the purposes of this Agreement, the Municipality shall be named as an insured party in the said insurance policy. If the Owner and/or the Company fail to so insure the Building, or if any such insurance on the Building is cancelled, the Municipality may effect such insurance as the Municipality deems necessary and any sum paid in so doing shall forthwith be paid by the Owner and/or the Company to the Municipality, or, if not, such sum shall be a debt due and owing to the Municipality and recoverable from the Owner and the Company by action in a court of law. The Owner and the Company are jointly and severally liable to the City for the payment of such debt. Subject to paragraphs 2.3 and 2.4, all proceeds receivable by the Owner and the Company under any fire and extended perils coverage insurance policy or policies on the Building shall, on the written demand and in accordance with the requirements of the Municipality, be applied to the replacement, rebuilding, restoration or repair of the Building to the fullest extent possible having regard to the particular nature of the Building, the cost of such work and the rights of the mortgagee(s) under any existing or subsequent mortgages registered against the title to the Property. The Owner's and the Company's financial liability to replace, rebuild, restore or repair the Building if it has been damaged or destroyed shall not exceed the proceeds receivable by the Owner and the Company under any fire and extended perils coverage insurance policy or policies in which the Municipality is named as an insured party.

2.3 Rights of Mortgagees

The Owner's and the Company's obligations to apply all proceeds receivable under any fire and extended coverage insurance policy or policies on the Building to replace, rebuild, restore or repair the Building shall be subject to the rights of any mortgagees of the Property.

2.4 Demolition and Right to Refrain from Repairing

The Owner and/or the Company shall notify the Municipality of any damage or destruction to the Building which materially affects the features of the appearance or the construction of the Building referred to in the Reasons for Identification and/or are generally depicted in the photographs referred to in paragraph 1.2 to the extent that such photographs are not inconsistent with the Reasons for Identification, within ten (10) clear days of the Owner and/or the Company becoming aware of the occurrence of such damage or destruction. Either in the event that the Building is so damaged or destroyed and the replacement, rebuilding, restoration or repair of it is impractical because of the financial costs involved, or because of the particular nature of the Building, or because a mortgagee has refused to release to the Owner and/or the Company any insurance monies payable under any fire and extended perils coverage insurance policy or policies, the Owner and/or the Company shall, in writing within forty (40) days of the giving by the Owner and the Company of notice of such damage or destruction, request written approval of the Municipality to demolish the Building pursuant to paragraph 2.1, or to refrain from repairing the damage to the Building, provided that such approval shall not be unreasonably withheld. In the event of receiving the approval in writing of the Municipality, the Owner and the Company shall be entitled to retain any proceeds from the insurance hereinbefore mentioned, and to demolish the Building or refrain from repairing damage to it, as the case may be.

2.5 Reconstruction by Owner and/or Company

If the Municipality does not give the approval to demolish or to refrain from repairing damage to the Building, referred to in paragraph 2.4, or if the Owner and/or Company has not requested the approval to demolish or to refrain from repairing damage referred to in paragraph 2.4, the Owner and/or Company shall replace, rebuild, restore or repair the Building to the limit of any proceeds receivable under any fire and extended perils coverage insurance policy or policies on the Building to effect a partial or complete restoration of the Building. Before the commencement of such work, the Owner and/or the Company shall submit all plans and specifications for the replacement, rebuilding, restoration or repair of the Building to the Municipality for its written approval within one hundred and thirty-five (135) days (unless the Municipality, and the Owner and/or the Company agree to an extension of such period) of the date of notice to the Municipality as to the damage or destruction occurring to the Building. A refusal by the Municipality to approve any plans and specifications may be based upon choice of materials, unattractive appearance, nonconforming architectural style, or any other ground or grounds, including but not limited to purely aesthetic grounds, provided that the approval of the Municipality shall not be unreasonably withheld. Subject to the foregoing, the determination of the Municipality shall be final. The Owner and the Company shall not commence or cause restorative work to be commenced before receiving the written approval of the Municipality of the plans and specifications for it, and such restorative work shall be performed upon such terms and conditions as the Municipality may stipulate. Such approval shall be deemed to have been received upon failure of the Municipality to respond in writing to a written request for it within ninety (90) days of the receipt of such request by the Municipality. The Owner and/or the Company shall cause all replacement, rebuilding, restoration and repair work on the Building required under this paragraph 2.4 to be commenced within thirty (30) days of the later of the approval by the Municipality of the plans and specifications for it, and the issuance of the necessary permit(s) in respect of it, and to be completed within nine (9) months of commencement, or as soon as possible thereafter if factors beyond their control prevent completion within the said nine (9) months, provided that the nine (9) month period may be extended by agreement of the Parties. The Owner and/or the Company shall cause all such work to conform to the plans and specifications approved of and terms and conditions stipulated by the Municipality.

2.6 Reconstruction by the Municipality

In the event that the request to demolish or to refrain from repairing damage is not made by the Owner and/or the Company, or is refused pursuant to the provisions of paragraph 2.4, and the Owner and/or the Company fails to submit plans and specifications pursuant to paragraph 2.5 which are acceptable to the Municipality within one hundred and thirty-five (135) days (unless the Municipality, and the Owner and/or the Company agree to an extension of such period) of the date of notice to the Municipality as to the damage or destruction occurring to the Building, the Municipality may prepare its own set of plans and specifications and deliver the same to either the Owner or the Company, provided that they shall be acceptable to the party to whom they are delivered, acting reasonably. The Owner or the Company, as the case may be shall have thirty (30) days from receiving a copy of such plans and specifications to notify the Municipality in writing that they intend to replace, rebuild, restore or repair the Building in accordance with those plans and specifications. If such notice is not given, the Municipality or its representatives, may enter upon the Property, undertake the replacement, rebuilding, restoration and repair work contemplated by such plans and specifications, to a value not exceeding the proceeds receivable by the Owner and the Company under the fire and extended perils insurance referred to in paragraph 2.2. The Owner and the Company irrevocably authorize the payment by the insurer of such proceeds to the Municipality and the application of such proceeds by the Municipality to indemnify itself against the cost of the work done pursuant to this paragraph 2.6, including the cost of the preparation of the plans and specifications referred to in this paragrah 2.6.

2.7 Maintenance of the Building

Except as otherwise provided in this Agreement, the Owner and the Company shall at all times maintain the Building in as good and as sound a state of repair as a prudent owner would normally do so, that no deterioration in the Building's condition and appearance as of the date of this Agreement shall take place which could be prevented by normal maintenance carried out by a prudent owner.

2.8 Signs, Structures, Etc.

The Owner and the Company shall not erect or permit the erection on the exterior of the Building of any signs, awnings, television aerials or other objects of a similar nature without the prior written approval of the Municipality. Such approval may, in the sole discretion of the Municipality and for any reason which the Municipality considers necessary, be refused; provided that with respect to signage to identify the occupant(s) of the Building from time to time, the approval of the Municipality shall be not unreasonably withheld, having regard to the business or activity of the occupant and either the Reasons for Identification, or if designation of a property which includes the Building, takes place under the Ontario Heritage Act, the reasons for designation of the property.

2.9 No Act of Waste

The Owner and the Company shall not commit or permit any act of waste in, on or in respect of the Building, nor shall the Owner or the Company, except with the prior written approval of the Municipality, grant any easement or right of way which would adversely affect the easement hereby granted.

2.10 Breach of Party's Obligations

If the Municipality, in its sole discretion, is of the opinion that the Owner and/or the Company has neglected or refused to perform any of its obligations set out in this Agreement, the Municipality may, in addition to any of its other legal or equitable remedies, serve on the Owner and the Company a notice setting out particulars of the breach and of the Municipality's estimated maximum costs of remedying the breach. The Owner and the Company shall have thirty (30) days from receipt of such notice to commence to remedy the breach and diligently continue to remedy the same or make arrangements satisfactory to the Municipality for remedying the breach.

2.11 Waiver

The failure of the Municipality at any time to require performance by the Owner and the Company of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the Municipality of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same or any other obligation hereunder at any later time.

2.12 Extension of Time

Time shall be of the essence of this Agreement. Any time limits specified in this Agreement may be extended with the consent in writing of the Owner, the Company and the Municipality, but no such extension of time shall operate or be deemed to operate as an extension of any other time limit, and time shall be deemed to remain of the essence of this Agreement notwithstanding any extension of any time limit.

3.0 Use of Property

3.1 The Owner and the Company expressly reserve for themselves, their successors and assigns the right to continue the use of the Property for all purposes not inconsistent with this Agreement.

4.0 Inspections of the Building

4.1 Inspection by Municipality at all Reasonable Times

The Municipality or its authorized representatives shall be permitted, at all reasonable times during the hours that the relevant portions of the Building are open to the public, and having regard to the Owner's security, to enter upon and inspect those portions of the Building which are materially affected by the Reasons for Identification or are generally depicted in the photographs contained in Schedule "C" hereto, to the extent that such photographs are not inconsistent with the Reasons for Identification, upon prior written notice to the Owner and the Company of at least 24 hours.

5.0 Notice of Easement

5.1 Plaque

The Owner and the Company agree to allow the Municipality to erect a plaque on the Building, in a tasteful manner, and at the Municipality's expense and with the Owner's and the Company's approval, acting reasonably, indicating that the Municipality, the Owner and the Company have entered into a conservation easement affecting the Property.

5.2 Publicity

The Municipality shall be entitled to publicize the existence of the easement, subject to the prior written approval of the Owner and the Company, acting reasonably.

6.0 Severability of Covenants

6.1 Proper Covenants not to Terminate

The Owner, the Company and the Municipality agree that all covenants, easements and restrictions contained in this Agreement shall be severable, and that should any covenant, easement or restriction in this Agreement be declared invalid or unenforceable, the remaining covenants, easements and restrictions shall not terminate thereby.

7.0 Notice

7.1 Addresses of Parties

Any notices to be given under this Agreement shall be delivered to the parties at their respective addresses. The respective addresses of the parties for such purposes presently are as follows:

THE OWNER

The Secretary
44 King Street West
Toronto, Ontario
M5H 1H1

THE COMPANY

Campeau Corporation
320 Bay Street
Toronto, Ontario
M5H 2P2

CITICOM

Suite 300
36 Temperance Street
Toronto, Ontario
Attn.: Vice President, Real
Estate and Development

ROYAL

1 Place Ville Marie
P.O. Box 6001
Montreal, Quebec
H3C 3A9
Attn.: Vice President, Development

THE MUNICIPALITY

City Solicitor
100 Queen Street West
15th Floor, West Tower
City Hall
Toronto, Ontario
M5H 2N2

The Parties hereto agree to notify each other immediately, in writing, of any changes of address from those set out above.

7.2 Service by Mail Except Where Postal Service Interrupted

Except in the event of an interruption in the postal service, any notices to be given under this Agreement shall be delivered in person, delivered by ordinary mail where receipt has been acknowledged, or sent by pre-paid registered mail addressed to the Parties at their respective addresses as set out in paragaph 7.1. In the event that a notice is delivered in person, the Party receiving the notice shall forthwith indicate receipt of the notice by signing a form of acknowledgement of receipt and in that event, the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be deemed to have been received on the date of service as set out in such affidavit. In the event that a notice is sent by pre-paid registered mail or by ordinary mail where receipt has been acknowledged, it shall be deemed to have been received on the second clear day following the day on which the notice was sent.

7.3 Service Where Postal Service Interrupted

In the event of any interruption in the postal service, notice shall be given to a Party at its respective address as set out in paragraph 7.1, either in person or by special courier in the manner as set out in paragraph 7.1. The Party receiving the notice shall indicate the receipt of it by signing a form of acknowledgement of receipt, and the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be presumed to have been received on the date of service as set out in such affidavit.

8.0 Subsequent Instruments

8.1 Subsequent Instruments to Contain These Provisions

Notice of these covenants, easements and restrictions shall be inserted by the Owner and the Company in any subsequent deed or other legal instrument by which they divest themselves either of the fee simple title to or of their possessory interest in the Property or the Building.

8.2 Notice to Municipality

The Owner and the Company shall immediately notify the Municipality in the event that they divest themselves of the fee simple title to, or of their possessory interest in the property, or the Building.

9.0 Other Parties

9.1 Citicom

Citicom hereby acknowledges this Agreement. So long as it remains the owner of an interest in any portion of the Property, Citicom covenants with the Municipality to perform the Agreement as a Party to it. All references in covenants contained in the Agreement to the "Company" shall be deemed to include references to Citicom.

9.2 Royal

Royal hereby acknowledges this Agreement. So long as it remains the owner of an interest in any portion of the Property, Royal covenants with the Municipality to perform the Agreement as a Party to it. All references shall be deemed to include references to Royal.

10.0 Headings

The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

11.0 Enurement

11.1 Covenants to Run with the Property

The covenants, easements and restrictions set out in this Agreement shall run with the Property and shall enure to the benefit of and be binding upon all Parties hereto and their respective successors and assigns.

12.0 Termination

12.1 Term of Agreement

Notwithstanding any other provision of this Agreement, the term of this Agreement shall end on the earliest to occur of:

(a) December 31, 1984, if Official Plan amendments and by-laws substantially in the form contemplated by the reports from the Commissioner of Planning and Development to the Land Use Committee dated March 2, 1984 and May 4, 1984 and entitled "Final Report on Application No. 1633 for Official Plan Amendment and Rezoning for the Scotia Plaza development site comprising 30-44 King Street West, 303 Bay Street, 102 and 106 Yonge Street, and 11-29 Adelaide Street West", "Final Report on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street", and "Modifications to the final report (March 2, 1984) form the Commissioner of Planning and Development, on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street", as amended whether or not before or after the date of this Agreement by the Land Use Committee of by Council, have not been passed by the Council of the Municipality;

(b) the circumstances to be referred to in the corresponding provisions of this paragraph 12.1(b) of the Heritage Easement Agreement to be entered into with respect the building situated on Part 2 shown on Reference Plan of Survey Number 66R-14003.

(c) March 31, 2079;

(d) the date upon which this agreement terminates pursuant to paragraph 12.2; and

(e) the date of receipt of approval to demolish pursuant to paragraph 2.4.

12.2 Agreement to Terminate

(a) The Municipality, the Owner and the Company acknowledge that municipal objectives change over time and that buildings intended for commercial use need to remain economically and functionally efficient. The Municipality will from time to time, at the request of the Owner and/or the Company, discuss the Owner's and the Company's obligations hereunder and, if in the Owner's and the Company's opinion, the retention of the Building is not economically viable having regard for the nature of the activities being carried on in it at such time, and if the Municipality agrees with the Owner and the Company as to such matters, this Agreement shall terminate.

(b) Without limiting the generality of the foregoing, in the event that the Owner elects to terminate the Lease by giving a termination notice not later than June 30, 2055 that it wishes to have vacant possession of the land to which the Lease relates on June 30, 2057 because it bona fide intends to commence and carry out demolition of the building (with or without sub-grade structures) to be constructed in accordance with the Lease, erected thereon, and the Owner bona fide intends to demolish the Building and redevelop the same in conjunction with the redevelopment of the property, without fettering in any way the Council of the Municipality or any of its successors, on the approval by the Municipality of the plan for the redevelopment of the Property becoming final, this Agreement shall terminate, provided that a copy of the termination notice referred to at the commencement of this paragraph 12.2(b) is sent to the Municipality forthwith after it is given by the Owner to the Company.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the ___ day of _____, 1984.

SIGNED, SEALED AND DELIVERED)
in the presence of:)
) SCOTIA REALTY LIMITED
)
) Per:______________________________
)
) ______________________________
)
) THE BANK OF NOVA SCOTIA PROPERTIES
) INC.
)
) Per:______________________________
)
) ______________________________
)
) CAMPEAU CORPORATION
)
) Per:______________________________
)
) ______________________________
)
) CITICOM INC.
)
) Per:______________________________
)
) ______________________________
)
) ROYAL BANK REALTY INC.
)
) Per:______________________________
)
) ______________________________
)
) THE CORPORATION OF THE CITY OF
) TORONTO
)
) Per:______________________________
) A Member of the Executive
) Committee
)
) Per:______________________________
) Deputy City Treasurer

Schedule A

Development Lot

(Firstly) ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the City Of Toronto, in the Municipality of Metropolitan Toronto, in the Province of Ontario and being composed of those parts of Town Lots 3 and 4 on the South side of Adelaide Street West (formerly Newgate Street) and those parts of Town Lot 4 on the

North side of King Street West, all according to the plan of the Town Of York designated as Parts 1, 3, 4, 9 and 11 according to a plan of survey deposited in the Land Registry Office for the Registry Division of Toronto (63) as Number 63R-3120.

(Secondly) IN THE City of Toronto, in the Municipality of Metropolitan Toronto, in the Province of Ontario and being those parts of Town Lots 2, 3 and 4 on the south side of Adelaide Street West (formerly Newgate Street) and those parts of Town Lots 3 and 4 on the north side of King Street West all according to the plan of the Town of York designated as Parts 2, 5, 6, 7, 8, 10, 12, 13, 14 and 15 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (66) as Number 66R-14003.

All of Parcel 2-9, Section Y-1.

All of Parcel 3-3, Section Y-1.

All of Parcel 3-6(Freehold and Leasehold), Section Y-1.

Schedule B

Legal description of 102 and 106 Yonge Street.

Schedule C

(Insert Photographs)
Schedule D

(Insert Drawings)

The Committee also submits the further report (June 22, 1984) from the Commissioner of Planning and Development:

Subject: Heritage Easement Agreement for the National Club Building at 303 Bay Street in conjunction with the Scotia Plaza development, Application No. 1633 - Ward 6.

Origin: Land Use Committee, March 7, 1984 (Report: c71luc84331:46; Appendix: 84/agree/007:46)

Comments:

1. Summary

This report discusses the terms of a Heritage Easement Agreement for the National Club at 303 Bay Street and the proposed renovations and alterations which would be permitted to integrate the building into the Scotia Plaza development. I am recommending that the City enter into a Heritage Easement Agreement substantially in the form of the draft agreement appended to this report.

Development Review for the proposed Scotia Plaza development, including plans and drawings for the historic buildings is contained in a separate report.

2. Background

Your Committee on March 7, 1984 adopted my Final Report of March 2, 1984 respecting the Scotia Plaza development. The report recommended, among other things, that I report further on the terms of a Heritage Easement Agreement respecting the National Club. Your Committee adopted my report and further decided, among other things, that "final adoption and enactment of the final plan amendments and by-laws, respectively, will be postponed until all the agreements necessary to implement the development have been settled and executed".

City Council on May 28 adopted my reports on the Critical Path for Scotia Plaza and Waterpark Place, dated May 14, 1984, and May 25, 1984, (LUC Report No. 11, Cl. 32) as amended. The effect of this action of City Council was to defer final consideration of the proposed amendments to the Official Plan and Zoning By-law, as well as my final reports on Scotia Plaza and Waterpark Place, and the required further reports on matters outstanding with reference to Scotia Plaza and Waterpark Place to a special meeting of the Land Use Committee scheduled for June 26, 1984, including Heritage Easement Agreements for the historic buildings on the proposed Scotia Plaza development lot.

3. Designation

T National Club building was designated as being of architectural value and historic interest by City Council through By-law No. 83-76 passed under the Ontario Heritage Act on March 17, 1976. The reasons for the designation are as follows:

> "The National Club Building, 303 Bay Street, c. 1905 by S. G. Curry, Sproatt & Ralph Associates is designated on architectural and historic grounds as the work of two architectural firms of importance and as an interesting example of the adaptation of brick Georgian-inspired forms to a crowded urban site. The building is of significance historically as the home of the Canada First Movement and in its context as a smaller building to give understandable and human scale to Bay Street."

4. The Bay Street Facade

The architectural elements for which the National Club was designated are contained in the facade on Bay Street. The human scale and the Georgian-inspired forms provide a unique and valuable foil to the massive buildings which surround it. The interior of the building is not noteworthy and its other elevations are very plain.

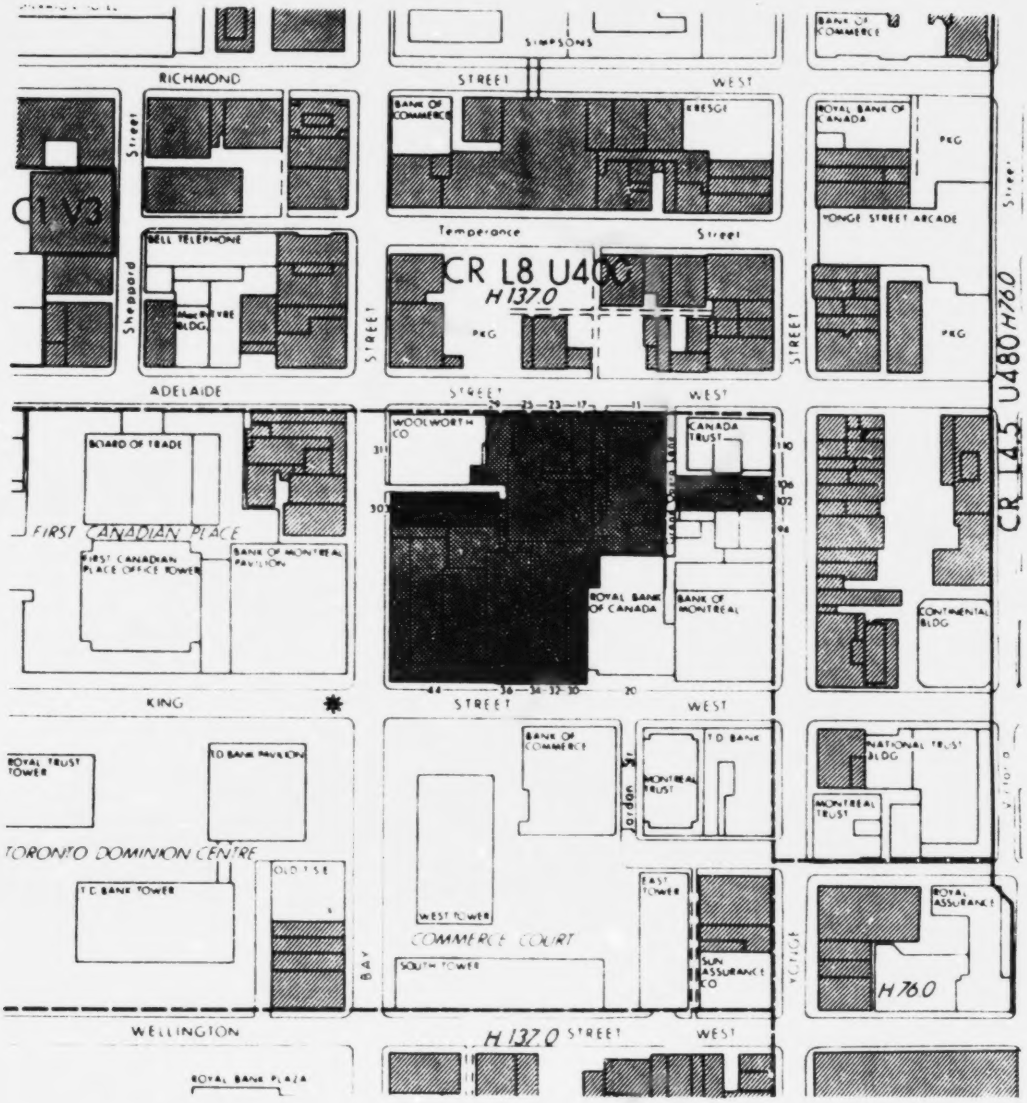
The proposed Zoning By-law for Scotia Plaza leaves the National Club with its present built density, an additional non-residential gross floor area of 273.6 sq.m. if street-related retail uses were to be provided over 60% of the frontage at grade and a housing density of 36 residential units. The height limitations stipulated by the by-law have the effect of creating a building setback for any new development on the site above a level of 20.5 metres above grade for a distance of 8.2 metres from the Bay Street street line and 6.7 metres from the rear lot line. This would provide for new development to be located in the middle portion of the building up to a height of 76 metres above grade.

The applicant wishes to retain the right to use the residential density entitlement at some future date and to be able to make changes to the remainder of the building except for the Bay Street facade. I have no objection to this approach as the important elements of the building would be well protected by the proposed zoning restrictions and the Heritage Easement Agreement. Therefore, the Agreement makes reference to the "Bay Street Facade" as the portion of the building to be preserved, i.e., the part within 4.5 (15 feet) metres of Bay Street and the zoning by-law requires that this portion only remain erected.

5. Terms of the Agreement

The draft Heritage Easement Agreement is generally consistent in form with that adopted by City Council at its meeting on June 11, 1984 for the Wood-Gundy facade (Land Use Committee Report No. 12, Clause 18). It would be executed by Campeau Corporation and the Owners and registered against the title to the lands comprising the Scotia Plaza development lot. The draft Heritage Easement Agreements for the Bank of Nova Scotia and the Upper Canada Bible and Tract Society will be of a similar form. One of the aspects in which the proposed Agreement differs from the standard form of agreement is in its fixed term and "unwinding" provisions. The maximum duration of the Agreement is to March 31, 2079. In the event that any of the proposed by-laws containing amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place are not approved or the Master Agreement contemplated in my report of March 2, 1984 is terminated, the Heritage Easement Agreement would also terminate.

Recommendation: That, subject to the approval of Development Review drawings for Scotia Plaza, City Council approve a Heritage Easement Agreement substantially in the form of the draft agreement appended to this report and authorize the execution of the same.


SIMPSONS
BANK OF COMMERCE
RICHMOND
STREET
WEST
Street
BANK OF COMMERCE
KRESGE
ROYAL BANK OF CANADA
PKG
Street
C1 V3
Temperance
Street
YONGE STREET ARCADE
BELL TELEPHONE
Sheppard
MacINTYRE BLDG.
STREET
CR L8 U40C
H 137.0
PKG
STREET
PKG
CR L4.5 U480 H76.0
ADELAIDE
STREET
WEST
29
25
23
17
11
WOOLWORTH CO
311
303
CANADA TRUST
110
106
102
94
BOARD OF TRADE
FIRST CANADIAN PLACE
FIRST CANADIAN PLACE OFFICE TOWER
BANK OF MONTREAL PAVILION
ROYAL BANK OF CANADA
BANK OF MONTREAL
CONTINENTAL BLDG
44
36
34
32
30
20
KING
STREET
WEST
ROYAL TRUST TOWER
T.D BANK PAVILION
BANK OF COMMERCE
Jordan St
MONTREAL TRUST
T.D BANK
NATIONAL TRUST BLDG
MONTREAL TRUST
Victoria
TORONTO DOMINION CENTRE
OLD T.S.E.
T.D BANK TOWER
WEST TOWER
EAST TOWER
ROYAL ASSURANCE
COMMERCE COURT
BAY
SOUTH TOWER
SUN ASSURANCE CO
YONGE
H76.0
WELLINGTON
H 137.0
STREET
WEST
ROYAL BANK PLAZA

PLANNING DISTRICT DOWNTOWN
ZONING MAP SHEET 30G 323
WARD 6
O.P. DESIGNATION FINANCIAL DISTRICT
✸ AREAS WHERE THE ZONING BY-LAW DOES NOT IMPOSE A HEIGHT LIMIT

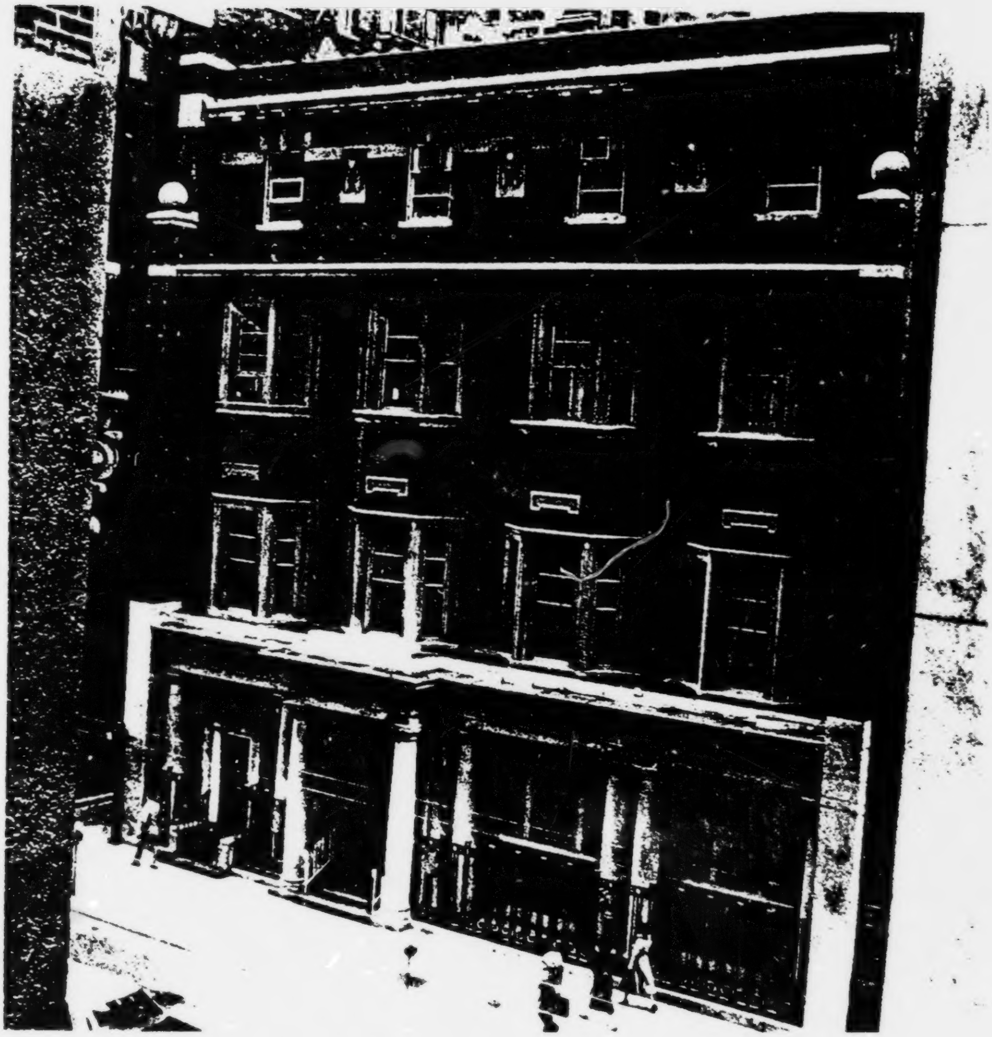
▨ COMMERCIAL
■ SCOTIA PLAZA SITE
■ NATIONAL CLUB SITE

MW
AT

**303 BAY STREET
NATIONAL CLUB
PRESENT ZONING AND LAND USE** **1**

APPLICATION No 1633
ASSIGNMENT No 545/11633
DRAWN BY B.N.
SCALE 1:2400
JUNE 1984

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION



2

NATIONAL CLUB BUILDING

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION
JUNE, 1984

Draft

National Club

THIS EASEMENT AGREEMENT made as of this ____ day of ______, 1984.

BETWEEN:

SCOTIA REALTY LIMITED and
THE BANK OF NOVA SCOTIA PROPERTIES LIMITED
(hereinafter called "the Owner"),

OF THE FIRST PART

-and-

CAMPEAU CORPORATION
(hereinafter called the "Company")

OF THE SECOND PART

-and-

THE NATIONAL CLUB
(hereinafter called the "Club")

OF THE THIRD PART

-and-

THE CORPORATION OF THE CITY OF TORONTO
(hereinafter called the "Municipality")

OF THE FOURTH PART

-and-

CITICOM INC.
(hereinafter called "Citicom")

OF THE FIFTH PART

-and-

ROYAL BANK PROPERTIES Inc.
(hereinafter called "Royal")

OF THE SIXTH PART

WHEREAS the Owner, being wholly owned subsidiaries of The Bank of Nova Scotia, is the owner or has proposed to become the owner of the freehold or leasehold interests in certain lands and premises situated in the City of Toronto, in the Municipality of Metropolitan Toronto, which lands and premises (hereinafter called the "Property") include the lands known for municipal purposes in the year 1984 as 303 Bay Street on which is erected a building (hereinafter called the "Building") and certain abutting lands or adjacent lands, all of which are more particularly described in Schedule "A" attached hereto;

AND WHEREAS the Club is the owner of a leasehold interest in the lands and premises which are more particularly described in Schedule "B" attached hereto and which form part of the lands more particularly described in Schedule "A" hereto;

AND WHEREAS Citicom is the owner in reversion of that portion of the Property which comprises the lands known for municipal purposes in 1984 as 11 Adelaide Street West;

AND WHEREAS Royal has an interest in that portion of the Property which comprises the lands known for municipal purposes in 1984 as 11R Adelaide Street West:

AND WHEREAS the Company is to become the tenant under a Lease from the Owner (hereinafter called the "Lease") inter alia of the lands more particularly described in Schedule "A", with the exception of Part 1 shown on Reference Plan of Survey Number 63R 3120 registered in the Registry Office for the Registry Division of Toronto (63);

AND WHEREAS one of the purposes of the Ontario Heritage Act, R.S.O. 1980, c. 337, is to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

AND WHEREAS by Subsection 37(1) of the Ontario Heritage Act, the Municipality is entitled to enter into easements or covenants with owners of real property, or interests therein, for the conservation of buildings of historic or architectural value or interest;

AND WHEREAS by Subsections 37(3) and (4) of the Ontario Heritage Act, such covenants and easements entered into by the Municipality when registered in the proper land registry office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Municipality or its assignee against the owners or any subsequent owners of the real property, even where the Municipality owns no other land which would be accommodated or benefitted by such covenants and easements;

AND WHEREAS the Parties hereto desire to provide in this Agreement for the conservation of the portion of the Building which is more particularly described in Schedule "C" attached hereto (hereinafter called the "Bay Street Facade");

AND WHEREAS to this end, the Owner, the Club and the Municipality desire to enter into this Easement Agreement (hereinafter called the "Agreement");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TWO DOLLARS ($2.00) of lawful money of Canada now paid by each of the Parties to the other Parties hereto (the receipt of which is hereby of each of them hereby acknowledged), and for other valuable consideration, and in further consideration of the granting of the easements herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner, the Company, the Club and the Municipality agree to abide by the following covenants, easements and restrictions which shall run with the Property.

1.0 Duties of the Owner

1.1 Normal Repairs and Alterations

Without derogating in any way from the Owner's duty to comply with the provisions of the Ontario Heritage Act in respect of acts or matters which are not specifically dealt with in this Agreement in language which conflicts with that language of the Act, the Owner, the Company and the Club shall not, except as hereinafter set forth, without the prior written approval of the Municipality undertake or permit any demolition, construction, alteration, remodelling, or any other thing or act which would materially affect the appearance or construction of the Bay Street Facade, as set out in the reasons for designation contained in By-law No. 83-76 and/or as depicted in the copies of the photographs attached hereto and incorporated herein as Schedule "D" attached hereto, and in the originals or facsimiles thereof which are filed in, and may be examined at, the Archives of the Municipality, wherever they may be from time to time located. The approval required to be obtained from the Municipality herein shall be deemed to have been given upon the failure of the Municipality to respond in writing to a written request for it within ninety (90) days of receiving such request at its address as set out in paragraph 7.1 of this Agreement. If the approval of the Municipality is given or deemed to be given under this paragraph, the Owner, the Company and/or the Club in undertaking or permitting the construction, alteration, remodelling or other thing or act so approved of, shall use materials approved by the Municipality prior to the commencement of any such work.

1.2 Insurance

The Owner, the Company and/or the Club shall at all times during the currency of this Agreement keep the Building insured against normal perils that are coverable by fire and extended perils coverage insurance in an amount equal to the replacement cost of the Building. The Owner shall deposit with the Commissioner of Finance and City Treasurer for the Municipality, within three (3) weeks of the execution of this Agreement, a certified copy of the insurance policy referred to above, or a certificate in respect thereof, with limits and with a Company that is acceptable to the said Commissioner of Finance and City Treasurer, acting reasonably. Thereafter evidence satisfactory to the Municipality of the renewal or replacement of insurance shall be delivered to the Municipality at least three (3) clear days before the termination thereof. For the purposes of this Agreement, the Municipality shall be named as an insured party in the said insurance policy. If the Owner and/or the Company and/or the Club fails to so insure the Building, or if any such insurance on the Building is cancelled, the Municipality may effect such insurance as the Municipality deems necessary and any sum paid in so doing shall forthwith be paid by the Owner to the Municipality, or, if not, such sum shall be a debt due and owing to the Municipality and recoverable from the Owner and the Company by action in a court of law. The Owner, the Company and the Club are jointly and severally liable to the City for the payment of such debt. Subject to paragraphs 1.3 and 1.4, all proceeds receivable by the Owner, the Company and the Club under any fire and extended perils coverage insurance policy or policies on the Building shall, on the written demand and in accordance with the requirements of the Municipality, be applied to the replacement, rebuilding, restoration or repair of the Building to the fullest extent possible having regard to the particular nature of the Building, the cost of such work and the rights of the mortgagee(s) under any existing or subsequent mortgages registered against the title to the Property. The Owner's, the Company's and the Club's financial liability to replace, rebuild, restore or repair the Building if it has been damaged or destroyed shall not exceed the proceeds receivable by the Owner, the Company and/or the Club under any fire and extended perils coverage insurance policy or policies in which the Municipality is named as an insured party.

1.3 Rights of Mortgagees

The Owner's, the Company's and/or the Club's obligations to apply all proceeds receivable under any fire and extended perils coverage insurance policy or policies on the Building to replace, rebuild, restore or repair the Building shall be subject to the rights of any mortgagees of the Property.

1.4 Demolition and Right to Refrain from Repairing

The Owner, the Company and/or the Club shall notify the Municipality of any damage or destruction to the Building within ten (10) clear days of the Owner, the Company and/or the Club, becoming aware of the occurrence of such damage or destruction. Either in the event that the Building is so damaged or destroyed and the replacement, rebuilding, restoration or repair of it is impractical because of the financial costs involved, or because of the particular nature of the Building, or because a mortgagee has refused to release to the Owner, the Company and/or to the Club any insurance monies payable under any fire and extended perils coverage insurance policy or policies, or in the event that the Bay Street Facade is destroyed, the Owner, the Company and/or the Club shall, in writing within forty (40) days of the giving by the first of them of notice of such damage or destruction, request written approval of the Municipality to demolish the Building pursuant to paragraph 1.1, or to refrain from repairing the damage to the Building, provided that such approval shall not be unreasonably withheld. In the event of receiving the approval in writing of the Municipality, the Owner, the Company and the Club shall be entitled to retain any proceeds from the insurance hereinbefore mentioned, and to demolish the Building or refrain from repairing damage to it, as the case may be.

1.5 Reconstruction by Owner and Others

If the Municipality does not give the approval to demolish or to refrain from repairing damage to the Building, referred to in paragraph 1.4, or if the Owner, the Company and/or the Club has not requested the approval to demolish or to refrain from repairing damage referred to in paragraph 1.4, the Owner, the Company and/or the Club shall replace, rebuild, restore or repair the Building to the limit of any proceeds receivable under any fire and extended perils coverage insurance policy or policies on the Building, first to effect a partial or complete restoration of the Bay Street Facade, and second, to the extent of any surplus remaining, to effect a partial or complete restoration of the Building. Before the commencement of such work, the Owner, the Company and/or the Club shall submit all plans and specifications for the replacement, rebuilding, restoration or repair of the Building and the Bay Street Facade to the Municipality for its written approval within one hundred and thirty-five (135) days (unless the Municipality, and the Owner, the Company and/or the Club agree to an extension of such period) of the date of notice to the Municipality as to the damage or destruction occurring to the Building. A refusal by the Municipality to approve any plans and specifications may be based upon choice of materials, unattractive appearance, nonconforming architectural style, or any other ground or grounds, including but not limited to purely aesthetic grounds, provided that the approval of the Municipality shall not be unreasonably withheld. Subject to the foregoing, the determination of the Municipality shall be final. The Owner, the Company and/or the Club shall not commence or cause restorative work to be commenced before receiving the written approval of the Municipality of the plans and specifications for it. Such restorative work shall be performed upon such terms and conditions as the Municipality may stipulate. Such approval shall be deemed to have been received upon failure of the Municipality to respond in writing to a written request for it within ninety (90) days of the receipt of such request by the Municipality. The Owner, the Company and/or the Club shall cause all replacement, rebuilding, restoration and repair work on the Building required under this paragraph to be commenced within thirty (30) days of the later of the approval by the Municipality of the plans and specifications for it, and the issuance of the necessary permit(s) in respect of it, and to be completed within nine (9) months of commencement, or as soon as possible thereafter if factors beyond their control prevent completion within the said nine (9) months, provided that the nine (9) month period may be extended by agreement of the Parties. The Owner, the Company and/or the Club shall cause all such work to conform to the plans and specifications approved of and terms and conditions stipulated by the Municipality.

1.6 Reconstruction by the Municipality

In the event that the request to demolish or to refrain from repairing damage is not made by the Owner, the Company and/or the Club, or is refused pursuant to the provisions of paragraph 1.4, and the Owner, the Company and/or the Club fail to submit plans and specifications pursuant to paragraph 1.5 which are acceptable to the Municipality within one hundred and thirty-five (135) days (unless the Municipality, and the Owner, the Company and/or the Club agree to an extension of such period) of the date of notice to the Municipality as to the damage or destruction occurring to the Building, the Municipality may prepare its own set of plans and specifications and deliver the same to either the Owner or the Company, provided they shall be acceptable to the Party to which they are delivered, acting reasonably. The Owner or the Company, as the case may be, shall have thirty (30) days from receiving a copy of such plans and specifications to notify the Municipality in writing that it intends to replace, rebuild, restore or repair the building in accordance with those plans and specifications. If such notice is not given, the Municipality or its representatives, may enter upon the Property, undertake the replacement, rebuilding, restoration and repair work contemplated by such plans and specifications, to a value not exceeding the proceeds receivable by the Owner, the Company and/or the Club under the fire and extended perils insurance referred to in paragraph 1.2. The Owner, the Company and the Club irrevocably authorize the payment by the insurer of such proceeds to the Municipality and the application of such proceeds by the Municipality to indemnify itself in respect of the cost of work done pursuant to this paragraph 1.6, including the cost of the preparation of the plans and specifications referred to in this paragraph 1.6.

1.7 Maintenance of the Building

The Owner, the Company and the Club shall at all times maintain the Building in as good and as sound a state of repair as a prudent owner would normally do so that no deterioration in the Building's condition and appearance as of the date of this Agreement shall take place which could be prevented by normal maintenance carried out by a prudent owner.

1.8 Signs, Structures, Etc.

The Owner, the Company and the Club shall not erect or permit the erection on the Property or on the Building of any signs, awnings, television aerials or other objects of a similar nature without the prior written approval of the Municipality. Such approval may, in the sole discretion of the Municipality and for any reason which the Municipality considers necessary, be refused; provided that with respect to signage on the Facade to identify the occupant of the

Building from time to time, the approval of the Municipality shall be not unreasonably withheld, having regard to the business or activity of the occupant and the reasons for designation of the Building and the lands more particularly described in Schedule "B" hereto under the Ontario Heritage Act.

1.9 No Act of Waste

The Owner, the Company and the Club shall not commit or permit any act of waste in, on or in respect of the Building, nor shall the Owner or the Company, except with the prior written approval of the Municipality, grant any easement or right of way which would adversely affect the easement hereby granted.

1.10 Breach of Party's Obligations

If the Municipality, in its sole discretion, is of the opinion that the Owner, the Company and/or the Club has neglected or refused to perform any of its or their obligations set out in this Agreement, the Municipality may, in addition to any of its other legal or equitable remedies, serve on the Owner, the Company and the Club a notice setting out particulars of the breach and of the Municipality's estimated maximum costs of remedying the breach. The Owner, the Company and the Club shall have thirty (30) days from receipt of such notice to commence to remedy the breach and diligently continue to remedy the same or make arrangements satisfactory to the Municipality for remedying the breach.

1.11 Waiver

The failure of the Municipality at any time to require performance by the Owner, the Company and/or the Club of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the Municipality of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same or any other obligation hereunder at any later time.

1.12 Extension of Time

Time shall be of the essence of this Agreement. Any time limits specified in this Agreement may be extended with the consent in writing of the Owner, the Company, the Club and the Municipality, but no such extension of time shall operate or be deemed to operate as an extension of any other time limit, and time shall be deemed to remain of the essence of this Agreement notwithstanding any extension of any time limit.

2.0 Use of Property

2.1 The Owner, the Company and the Club expressly reserve for themselves, their successors and assigns the right to continue the use of the lands more particularly described in Schedule "B" hereto for all purposes not inconsistent with this Agreement.

3.0 Inspections of the Building

3.1 Inspection by Municipality at all Reasonable Times

The Municipality or its authorized representatives shall be permitted, at all reasonable times, to enter upon and inspect the Building, upon prior written notice to the Owner, the Company and the Club of at least twenty-four (24) hours.

4.0 Notice of Easement

4.1 Plaque

The Owner, the Company and the Club agree to allow the Municipality to erect a plaque on the Building, in a tasteful manner, and at the Municipality's expense and with the Owner's, the Company's and the Club's approval, acting reasonably, indicating that the Municipality and the Owner, the Company and the Club have entered into a conservation easement affecting the Property.

4.2 Publicity

The Municipality shall be entitled to publicize the existence of the easement, subject to the prior written approval of the Owner, the Company and the Club, acting reasonably.

5.0 Owner Not Required to Rebuild etc. in Certain Circumstances

Notwithstanding paragraph 1.5 of this Agreement, the Owner, the Company and the Club do not have an obligation to replace or rebuild the Building if the entire Bay Street Facade is destroyed, or is irretrievably damaged.

6.0 Severability of Covenants

6.1 Proper Covenants not to Terminate

The Parties hereto agree that all covenants, easements and restrictions contained in this Agreement shall be severable, and that should any covenant, easement or restriction in this Agreement be declared invalid or unenforceable, the remaining covenants, easements and restrictions shall not terminate thereby.

7.0 Notice

7.1 Addresses of Parties

Any notices to be given under this Agreement shall be delivered to the Parties at their respective addresses. The respective addresses of the Parties for such purposes presently are as follows:

THE OWNER

The Secretary
44 King Street West
Toronto, Ontario
M5H 1H1

THE CLUB

The Secretary
National Club
303 Bay Street
Toronto, Ontario
M5H 2R1

THE COMPANY

Campeau Corporation
320 Bay Street
Toronto, Ontario
M5H 2P2

CITICOM

Suite 300
36 Temperance Street
Toronto, Ontario
Attention: Vice President, Real
Estate and Development

THE MUNICIPALITY

City Solicitor,
100 Queen Street West,
15th Floor, West Tower,
City Hall
Toronto, Ontario
M5H 2N2

ROYAL

1 Place Ville Marie
P.O. Box 6001
Montreal, Quebec
H3C 3A9
Attn.: Vice President, Development

The Parties hereto agree to notify each other immediately, in writing, of any changes of address from those set out above.

7.2 Service by Mail Except Where Postal Service Interrupted

Except in the event of an interruption in the postal service, any notices to be given under this Agreement shall be delivered in person, delivered by ordinary mail where receipt has been acknowledged, or sent by pre-paid registered mail addressed to the Parties at their respective addresses as set out in paragaph 7.1. In the event that a notice is delivered in person, the Party receiving the notice shall forthwith indicate receipt of the notice by signing a form of acknowledgement of receipt and in that event, the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be deemed to have been received on the date of service as set out in such affidavit. In the event that a notice is sent by pre-paid registered mail or by ordinary mail where receipt has been acknowledged, it shall be deemed to have been received on the second clear day following the day on which the notice was sent.

7.3 Service Where Postal Service Interrupted

In the event of any interruption in the postal service, notice shall be given to a Party at its address as set out in paragraph 7.1, either in person or by special courier in the manner as set out in paragraph 7.1. The Party receiving the notice shall indicate the receipt of it by signing a form of acknowledgement of receipt, and the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be presumed to have been received on the date of service as set out in such affidavit

8.0 Subsequent Instruments

8.1 Subsequent Instruments to Contain These Provisions

Notice of these covenants, easements and restrictions shall be inserted by the Owner, the Company and the Club in any subsequent deed or other legal instrument by which they divest themselves either of the fee simple title to or of their possessory interest in the Property or the Building.

8.2 Notice to Municipality

The Owner, the Company and the Club shall immediately notify the Municipality in the event that they divest themselves of the fee simple title to, or of their possessory interest in the property, or the Building.

9.0 Other Parties

9.1 Citicom

Citicom hereby acknowledges this Agreement. So long as it remains the owner of an interest in any portion of the Property, Citicom covenants with the Municipality to perform the Agreement as a Party to it. All references in convenants contained in the Agreement to the "Company" shall be deemed to include references to Citicom.

9.2 Royal

Royal hereby acknowledges this Agreement. So long as it remains the owner of an interest in any portion of the Property, Royal covenants with the Municipality to perform the Agreement as a Party to it. All references in convenants contained in the Agreement to the "Company" shall be deemed to include references to Royal.

10.0 Headings

10.1 The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

11.0 Enurement

11.1 Covenants to Run with the Property

The covenants, easements and restrictions set out in this Agreement shall run with the Property and shall enure to the benefit of and be binding upon all Parties hereto and their respective successors and assigns.

12.0 Termination

12.1 Term of Agreement

Notwithstanding any other provision of this Agreement, the term of this Agreement shall end on the earliest to occur of:

(a) December 31, 1984, if Official Plan amendments and by-laws substantially in the form contemplated by the reports from the Commissioner of Planning and Development to the Land Use Committee, dated March 2, 1984 and May 4, 1984 and entitled "Final Report on Application No. 1633 for Official Plan Amendment and Rezoning for the Scotia Plaza development site comprising 30-44 King Street West, 303 Bay Street, 102 and 106 Yonge Street, and 11-29 Adelaide Street West", "Final Report on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street", and "Modifications to the final report (March 2, 1984) from the Commissioner of Planning and Development, on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street", as amended whether or not before or after the date of this Agreement by the Land Use Committee or by Council, have not been passed by the Council of the Municipality;

(b) March 31, 2079; and

(c) the date of receipt of approval to demolish pursuant to paragraph 1.4.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the __ day of ______, 1984.

SIGNED, SEALED AND DELIVERED)
in the presence of:)

SCOTIA REALTY LIMITED

Per:__________________________

____

THE BANK OF NOVA SCOTIA PROPERTIES LIMITED

Per:__________________________

____

CAMPEAU CORPORATION

Per:____________________________

____

THE NATIONAL CLUB

Per:____________________________

____

CITICOM INC.

Per:____________________________

____

ROYAL BANK PROPERTIES INC.

Per:____________________________

____

THE CORPORATION OF THE CITY OF TORONTO

Per:____________________________
A Member of the Executive
Committee

Per:____________________________
Deputy City Treasurer
Schedule A

Development Lot

(Firstly) ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the City Of Toronto, in the Municipality of Metropolitan Toronto, in the Province of Ontario and being composed of those parts of Town Lots 3 and 4 on the South side of Adelaide Street (formerly Newgate Street) and those parts of Town Lot 4 on the North side of King Street West, all according to the plan of the Town Of York designated as Parts 1, 3, 4, 9 and 11 according to a plan of survey deposited in the Land Registry Office for the Registry Division of Toronto (63) as Number 63R-3120.

(Secondly) IN THE City of Toronto, in the Municipality of Metropolitan Toronto, in the Province of Ontario and being those parts of Town Lots 2, 3 and 4 on the south side of Adelaide Street West (formerly Newgate Street) and those parts of Town Lots 3 and 4 on the north side of King Street West all according to the plan of the Town of York designated as Parts 2, 5, 6, 7, 8, 10, 12, 13, 14 and 15 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (66) as Number 66R-14003.

All of Parcel 2-9, Section Y-1.

All of Parcel 3-3, Section Y-1.

All of Parcel 3-6, (Freehold and Leasehold) Section Y-1.

Schedule B

303 Bay Street

(Legal description of 303 Bay Street)

Schedule C

(Description of Bay Street Facade the westerly 4.5 metres of Part 1 on Plan 63-R-3120.

Schedule D

(Photographs of Bay Street Facade to be inserted.)

The Committee also submits the further report (June 22, 1984) from the Commissioner of Planning and Development:

Subject: Heritage Easement Agreement for the Bank of Nova Scotia Building at 44 King Street West in conjunction with the Scotia Plaza development, Application No. 1633 - Ward 6.

Origin: Land Use Committee, March 7, 1984 (Report: c71luc84330:46; Appendix: 83/agree/009:46)

Comments:

1. Summary

This report discusses the terms of a Heritage Easement Agreement for the Bank of Nova Scotia building at 44 King Street West and the proposed renovations and alterations which would be permitted to integrate the building into the Scotia Plaza development. I am recommending that the City enter into a Heritage Easement Agreement substantially in the form of the draft agreement appended to this report.

Development Review for the proposed Scotia Plaza development, including plans and drawings for the historic buildings is contained in a separate report.

2. Background

Your Committee on March 7, 1984 adopted my Final Report of March 2, 1984 respecting the Scotia Plaza development. The report recommended, among other things, that I report further on the terms of a Heritage Easement Agreement respecting the Bank of Nova Scotia building. Your Committee adopted my report and further decided, among other things, that "final adoption and enactment of the final plan amendments and by-laws, respectively, will be postponed until all the agreements necessary to implement the development have been settled and executed".

City Council on May 28 adopted my reports on the Critical Path for Scotia Plaza and Waterpark Place, dated May 14, 1984, and May 25, 1984, (LUC Report No. 11, Cl. 32) as amended. The effect of this action of City Council was to defer final consideration of the proposed amendments to the Official Plan and Zoning By-law, as well as my final reports on Scotia Plaza and Waterpark Place, and the required further reports on matters outstanding with reference to Scotia Plaza and Waterpark Place to a special meeting of the Land Use Committee scheduled for June 26, 1984, including Heritage Easement Agreements for the historic buildings on the proposed Scotia Plaza development lot.

3. Reasons for Identiation

The Bank of Nova Scotia building has been listed by the Toronto Historical Board as having historical and architectural significance. It has not yet been designated under the Ontario Heritage Act. However, as I have indicated in Section 6 of this report, the applicants have agreed to designation following the coming into force of the proposed by-laws for Scotia Plaza and Waterpark Place. The Toronto Historical Board has given the following reasons for the identification of the building:

"Built in 1949-51, the building was designed by Mathers and Haldenby, Architects, and Beck and Eadie, Associates, making reference to the 1930 concept for the site by John M. Lyle.

Incorporating an earlier "skyscraper temple" architectural form with the plainer style of the post-war period, the L-shaped limestone tower rises above a five storey base. The building features unique details in metal entrances and windows, and details in granite, marble, and limestone, and bas-relief sculptures.

The banking hall, south foyer, elevator lobby, and the south stairway to the safety deposit vault exhibit unique design and craftsmanship in marble flooring, walls and counters, sculptured stone panel and medallions, etched glass, metal work, and the ceilings which are of noteworthy colour and form.

The building is a landmark at King and Bay Streets and in the Financial District of the City of Toronto. It is an excellent example of mid-twentieth century architectural design."

4. Alterations and Renovations

The proposed retention of the Bank of Nova Scotia building differs from the standard approach to the protection of an historic building inasmuch as a number of alterations and renovations are contemplated for the building in order to integrate it with the Scotia Plaza development. The proposed Heritage Easement Agreement, therefore, incorporates a description of the work that I am recommending be permitted to be undertaken to alter the building. It makes reference to the drawings to be approved through development review which are the subject of my report of June 22, 1984 to the Land Use Committee. The drawings which specifically show the proposed changes are attached to this report as illustrations number 2 to 10.

The changes listed in the draft agreement provide for:

(a) the introduction of new entrance doors on Bay Street;

(b) the lowering of window sills along Bay Street;

(c) the removal of the existing north entrance door and an adjacent window to be replaced by a planter and an emergency exit door respectively;

(d) the removal of the service annex on the east side of the building;

(e) the moving of the marble counters to new locations;

(f) the removal of the north stairway to the concourse level;

(g) the opening of portions of the east wall of the Banking Hall to provide access to the proposed atrium;

(h) the removal of fixed desks and cheque counters;

(i) necessary alterations to conform to the Ontario Building Code; and

(j) the alteration of a major part of the concourse level.

The photographs which depict certain significant features of the appearance or construction of the building are to be replaced by new ones from the same vantage points after the alterations have taken place.

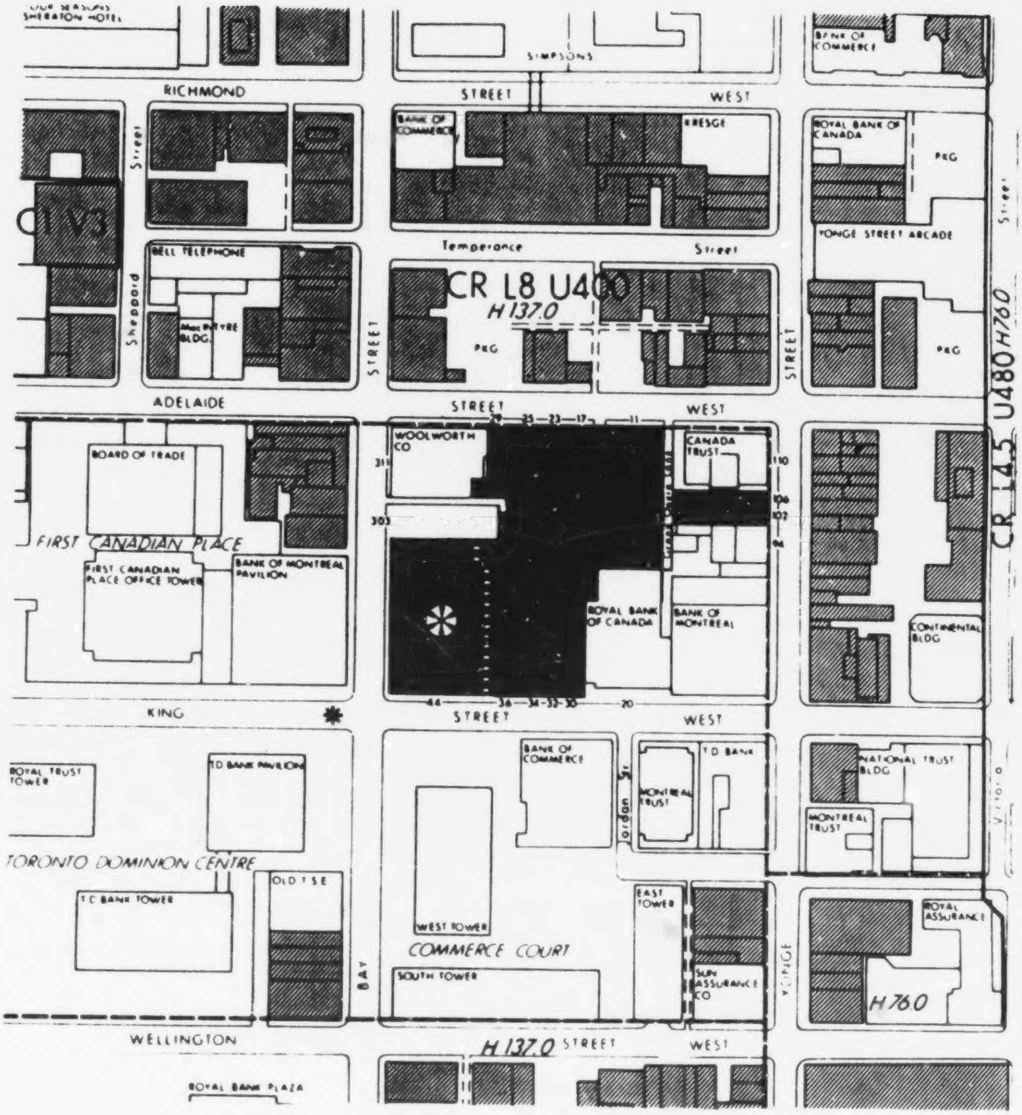
5. Terms of the Agreement

The draft Heritage Easement Agreement is generally consistent in form with that adopted by City Council at its meeting on June 11, 1984 on the Wood-Gundy Facade (Land Use Committee Report No. 12, Clause 18). It would be executed by Campeau and the Owners and registered against the title to the lands comprising the Scotia Plaza development lot. The draft Heritage Easement Agreements for the National Club and the Upper Canada Bible and Tract Society will also be of a similar form. One of the aspects in which the proposed Agreement differs from the standard form of agreement is in its fixed term and "unwinding" provisions. The maximum duration of the Agreement is to March 31, 2079. However, it may be terminated on June 30, 2057 if Scotia Realty Ltd. intends at that point to demolish the Scotia Plaza building to make way for a new development and the City has approved development plans for such. In the event that any of the proposed by-laws containing amendments to the Official Plan and Zoning By-law for Scotia Plaza and Waterpark Place are not approved or the Master Agreement contemplated in my report of March 2, 1984 is terminated, the Heritage Easement Agreement would also terminate.

6. Designation

The Toronto Historical Board intends to propose the designation of the Bank of Nova Scotia building at a suitable time following the coming into force of the by-laws relating to Scotia Plaza and Waterpark Place and the applicants have agreed to this. The Master Agreement will provide that Campeau and the Owners will not object to the designation of 44 King Street West under the Ontario Heritage Act at any time after the issuance of a building permit for the portion of the Scotia Plaza development which includes alterations to 44 King Street West.

Recommendation: That, subject to the approval of Development Review drawings for Scotia Plaza, City Council approve a Heritage Easement Agreement substantially in the form of the draft agreement appended to this report and authorize the execution of the same.


FOUR SEASONS SHERATON HOTEL
SIMPSONS
BANK OF COMMERCE
RICHMOND
STREET
WEST
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BANK OF COMMERCE
KRESGE
ROYAL BANK OF CANADA
PKG
Street
CI V3
BELL TELEPHONE
Temperance
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YONGE STREET ARCADE
CR L8 U400
H 137.0
Sheppard
MacINTYRE BLDG.
STREET
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PKG
H 76.0
U480
CR 14.5
ADELAIDE
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WOOLWORTH CO
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BOARD OF TRADE
FIRST CANADIAN PLACE
FIRST CANADIAN PLACE OFFICE TOWER
BANK OF MONTREAL PAVILION
ROYAL BANK OF CANADA
BANK OF MONTREAL
CONTINENTAL BLDG
KING
44
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STREET
WEST
ROYAL TRUST TOWER
T D BANK PAVILION
BANK OF COMMERCE
Jordan St
MONTREAL TRUST
T D BANK
NATIONAL TRUST BLDG
MONTREAL TRUST
Victoria
TORONTO DOMINION CENTRE
OLD T S E
T D BANK TOWER
WEST TOWER
EAST TOWER
ROYAL ASSURANCE
COMMERCE COURT
BAY
SOUTH TOWER
SUN ASSURANCE CO
YONGE
H 76.0
WELLINGTON
H 137.0
STREET
WEST
ROYAL BANK PLAZA

PLANNING DISTRICT DOWNTOWN
ZONING MAP SHEET 50G 323
WARD 6
O P DESIGNATION FINANCIAL DISTRICT
✱ AREAS WHERE THE ZONING BY LAW DOES NOT IMPOSE A HEIGHT LIMIT

▨ COMMERCIAL
■ SCOTIA PLAZA SITE
✱ BANK OF NOVA SCOTIA BUILDING

44 KING STREET WEST
BANK OF NOVA SCOTIA
PRESENT ZONING AND LAND USE **1**

APPLICATION No 1633
ASSIGNMENT No 545/11633
DRAWN BY B N

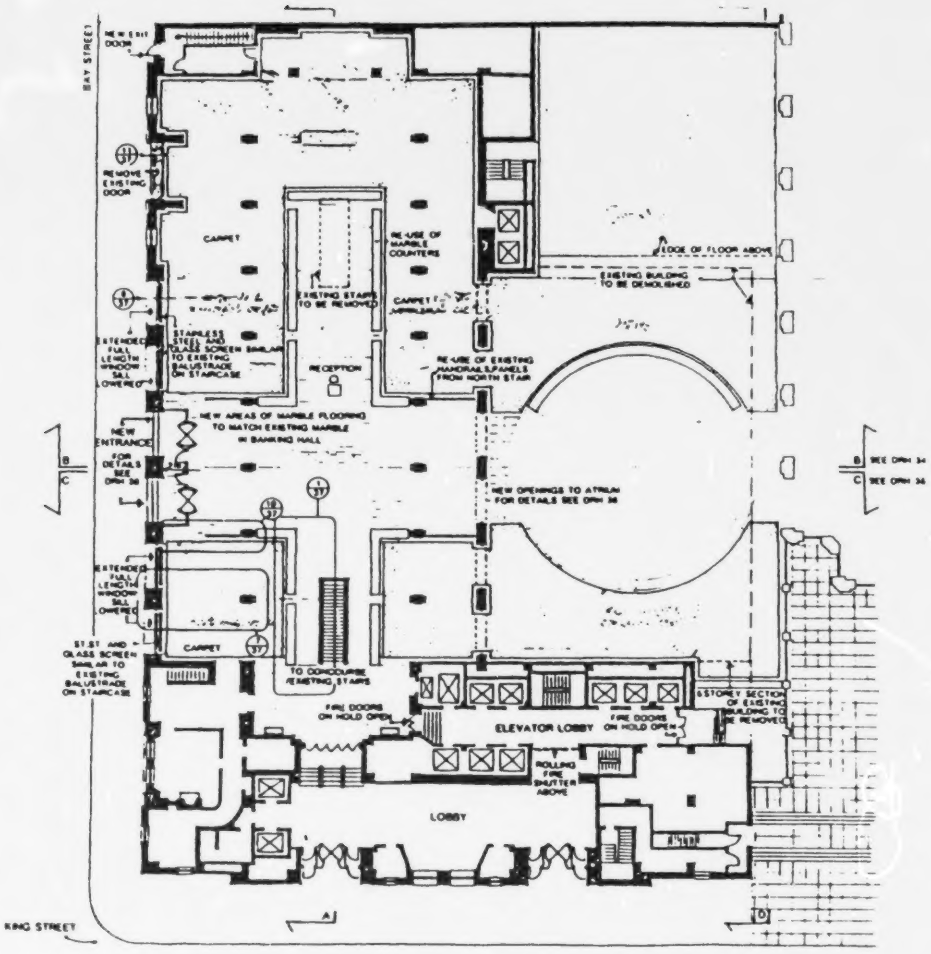
↑

SCALE 1:2400 JUNE, 1984

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G McLAUGHLIN COMMISSIONER

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

MW


BAY STREET
NEW EXIT DOOR
REMOVE EXISTING DOOR
CARPET
RE-USE OF MARBLE COUNTERS
EXISTING STAIRS TO BE REMOVED
CARPET
STAINLESS STEEL AND GLASS SCREEN SIMILAR TO EXISTING BALUSTRADE ON STAIRCASE
EXTENDED FULL LENGTH WINDOW SILL LOWERED
RECEPTION
RE-USE OF EXISTING HANDRAILS & PANELS FROM NORTH STAIR
EDGE OF FLOOR ABOVE
EXISTING BUILDING TO BE DEMOLISHED
NEW AREAS OF MARBLE FLOORING TO MATCH EXISTING MARBLE IN BANKING HALL
NEW ENTRANCE
FOR DETAILS SEE DRH 36
B
C
NEW OPENINGS TO ATRIUM FOR DETAILS SEE DRH 36
B SEE DRH 34
C SEE DRH 36
EXTENDED FULL LENGTH WINDOW SILL LOWERED
CARPET
ST.ST. AND GLASS SCREEN SIMILAR TO EXISTING BALUSTRADE ON STAIRCASE
TO CONCOURSE EXISTING STAIRS
FIRE DOORS ON HOLD OPEN
ELEVATOR LOBBY
FIRE DOORS ON HOLD OPEN
6 STOREY SECTION OF EXISTING BUILDING TO BE REMOVED
ROLLING FIRE SHUTTER ABOVE
LOBBY
KING STREET
A

PROPOSED GROUND FLOOR PLAN
(EXISTING BANK BUILDING)

2

APPLICANT'S PROPOSAL (REV'D) (DRH30)

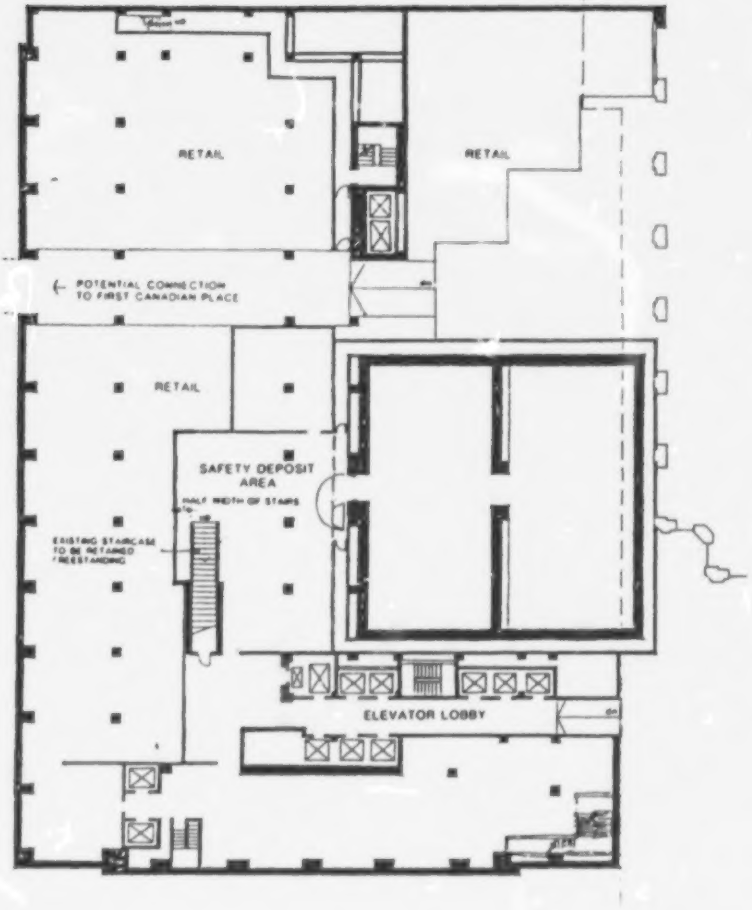
APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

MAY 1984


RETAIL
RETAIL
POTENTIAL CONNECTION TO FIRST CANADIAN PLACE
RETAIL
SAFETY DEPOSIT AREA
HALF WIDTH OF STAIRS
EXISTING STAIRCASE TO BE RETAINED FREESTANDING
ELEVATOR LOBBY

3

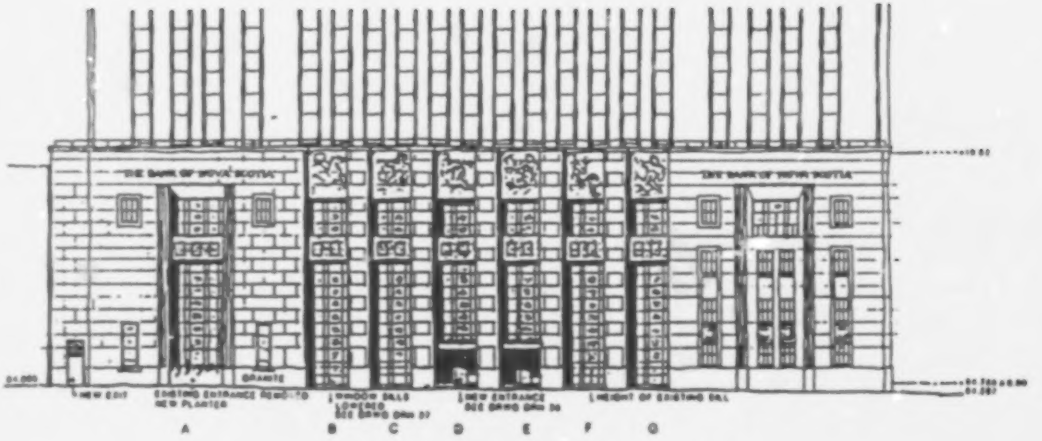
CONCOURSE LEVEL

APPLICANT'S PROPOSAL (REV'D) (DRH31)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

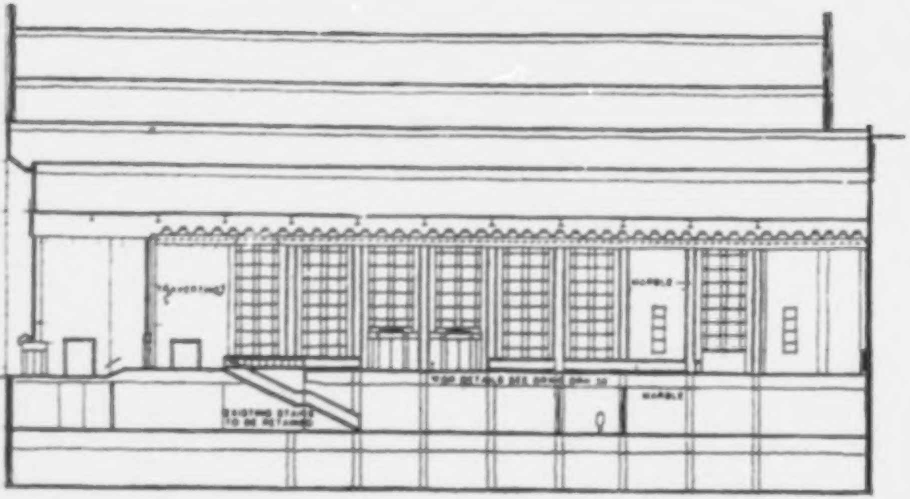
REDUCED DRAWING
MAY, 1984


THE BANK OF NOVA SCOTIA
THE BANK OF NOVA SCOTIA
GRANITE
NEW EXIT
EXISTING ENTRANCE REMOVED
NEW PLANTER
WINDOW SILLS
LOWERED
SEE DRWG DRH 37
NEW ENTRANCE
SEE DRWG DRH 36
HEIGHT OF EXISTING SILL
A
B
C
D
E
F
G

PROPOSED BAY STREET ELEVATION
(EXISTING BANK BUILDING)
APPLICANT'S PROPOSAL (REV'D)(DRH32)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1984

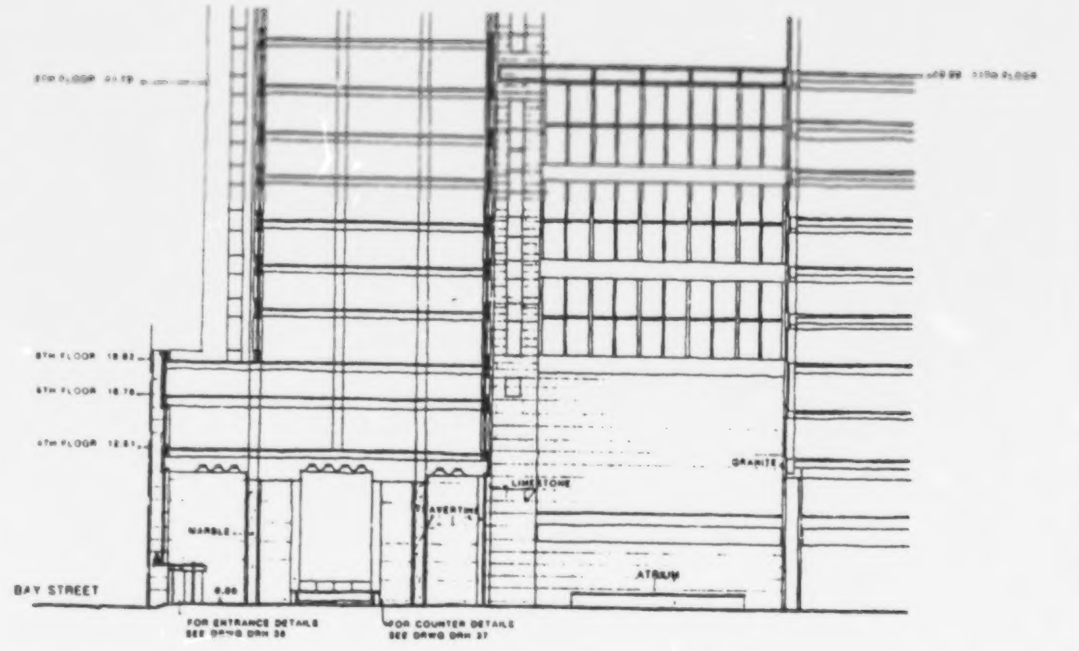

GROUND FLOOR 0.00
CONCOURSE
SERVICE
EXISTING STAIRS TO BE RETAINED
MARBLE
MARBLE

SECTION A-A
APPLICANT'S PROPOSAL (REV'D) (DRH33)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 198[illegible]

5

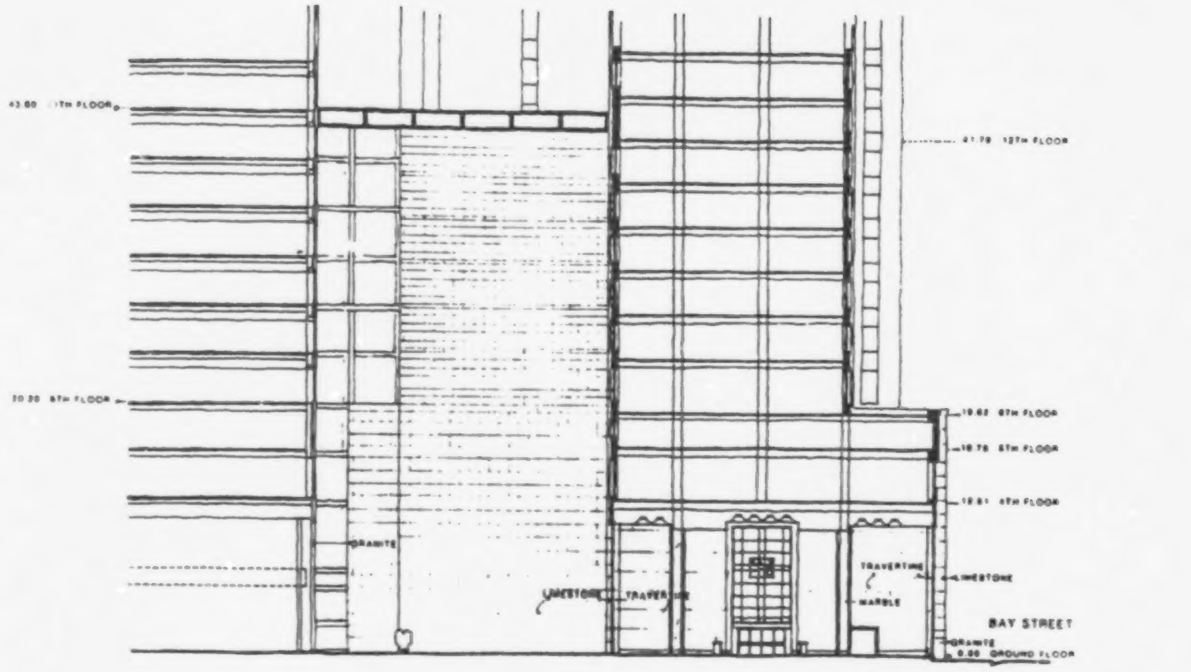

8TH FLOOR 18.82
6TH FLOOR 16.70
4TH FLOOR 12.81
BAY STREET
0.00
MARBLE
TRAVERTINE
LIMESTONE
GRANITE
ATRIUM
FOR ENTRANCE DETAILS
SEE DRWG DRH 36
FOR COUNTER DETAILS
SEE DRWG DRH 37

SECTION B-B
APPLICANT'S PROPOSAL (REV'D) (DRH34)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION — MAY 1984

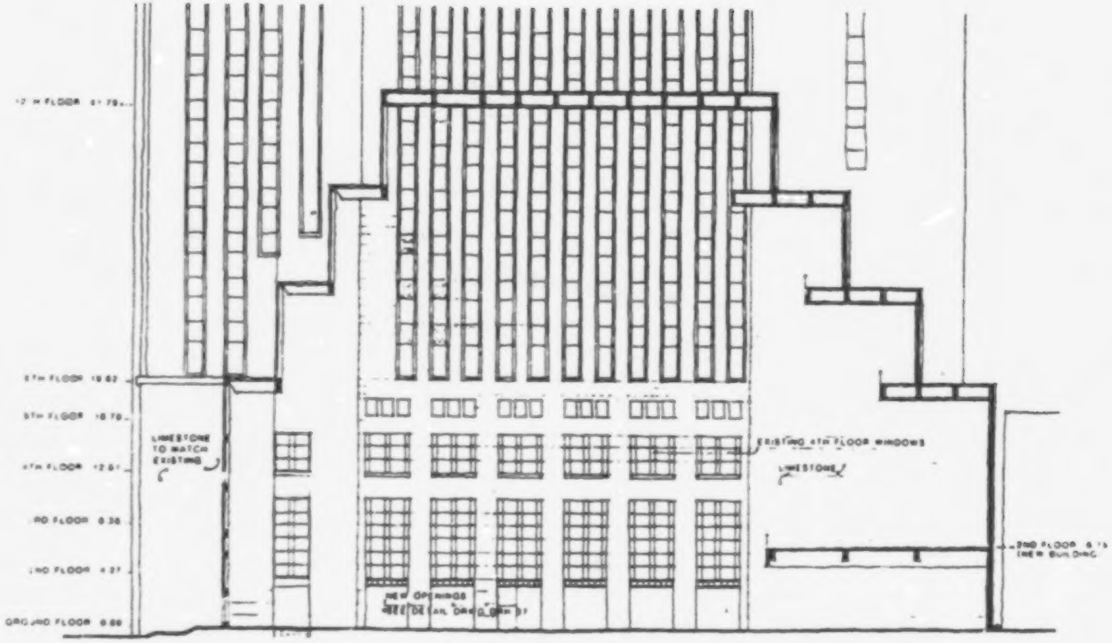
6


43.00 11TH FLOOR
30.30 8TH FLOOR
47.70 12TH FLOOR
19.62 6TH FLOOR
16.78 5TH FLOOR
12.81 4TH FLOOR
GRANITE
LIMESTONE
TRAVERTINE
TRAVERTINE
MARBLE
LIMESTONE
BAY STREET
GRANITE
0.00 GROUND FLOOR

SECTION C-C
APPLICANT'S PROPOSAL (REV'D) (DRH35)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER
REDUCED DRAWING
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
MAY 1984

7

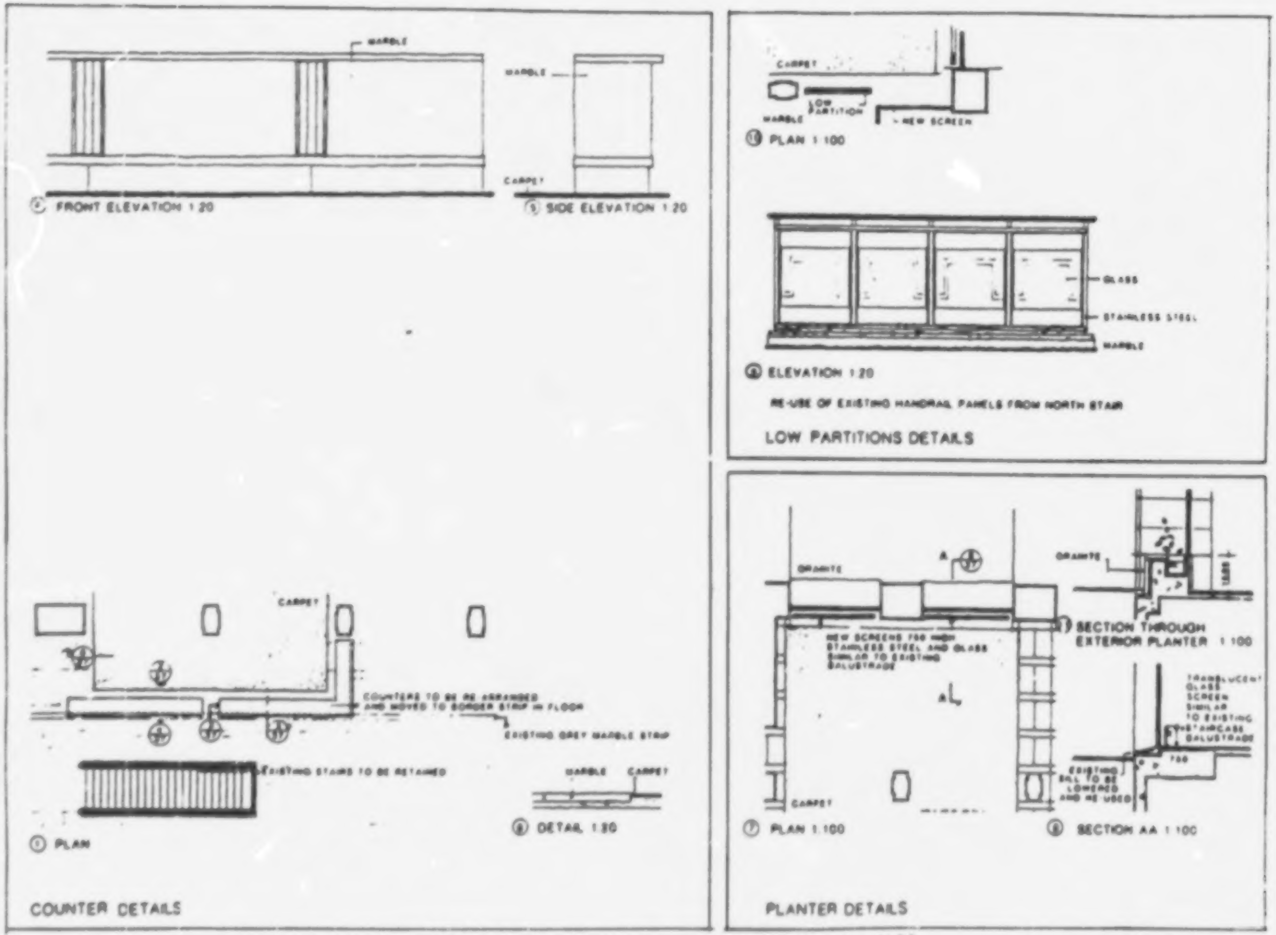

12TH FLOOR 41.79
6TH FLOOR 19.62
5TH FLOOR 16.70
4TH FLOOR 12.61
3RD FLOOR 8.36
2ND FLOOR 4.27
GROUND FLOOR 0.88
LIMESTONE TO MATCH EXISTING
EXISTING 4TH FLOOR WINDOWS
LIMESTONE
2ND FLOOR 6.15 NEW BUILDING
NEW OPENINGS SEE DETAIL DWG

SECTION D-D
APPLICANT'S PROPOSAL (REV'D) (DRH36)

APPLICATION No 1633

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER

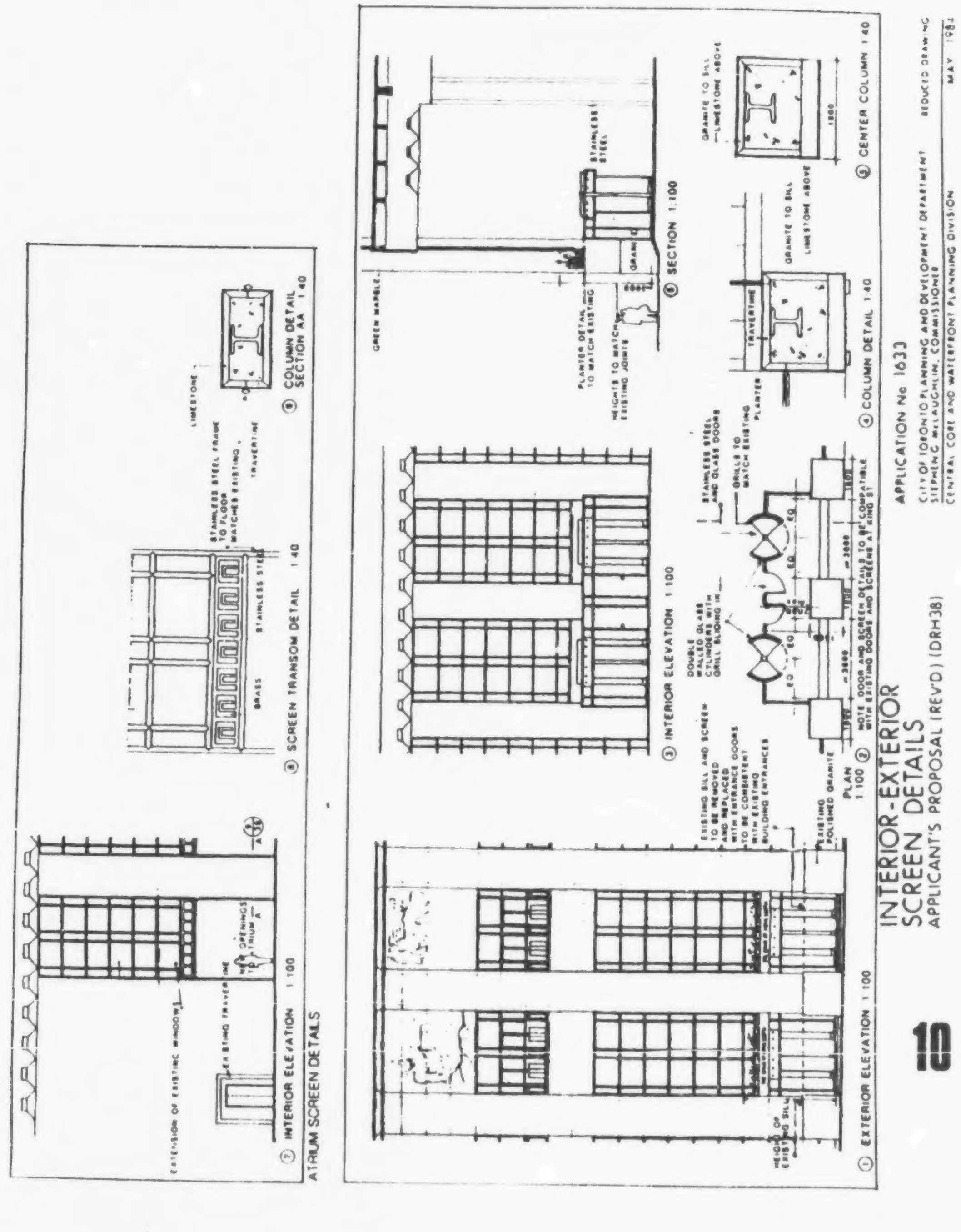
CENTRAL CORE AND WATERFRONT PLANNING DIVISION — MAY 1984


MARBLE
MARBLE
CARPET
6 FRONT ELEVATION 1:20
5 SIDE ELEVATION 1:20
CARPET
COUNTERS TO BE RE ARRANGED AND MOVED TO BORDER STRIP IN FLOOR
EXISTING GREY MARBLE STRIP
EXISTING STAIRS TO BE RETAINED
MARBLE
CARPET
1 PLAN
4 DETAIL 1:20
COUNTER DETAILS
CARPET
MARBLE
LOW PARTITION
NEW SCREEN
10 PLAN 1:100
GLASS
STAINLESS STEEL
MARBLE
9 ELEVATION 1:20
RE-USE OF EXISTING HANDRAIL PANELS FROM NORTH STAIR
LOW PARTITIONS DETAILS
GRANITE
A
NEW SCREENS 700 HIGH STAINLESS STEEL AND GLASS SIMILAR TO EXISTING BALUSTRADE
A
CARPET
7 PLAN 1:100
GRANITE
SECTION THROUGH EXTERIOR PLANTER 1:100
TRANSLUCENT GLASS SCREEN SIMILAR TO EXISTING STAIRCASE BALUSTRADE
700
EXISTING SILL TO BE LOWERED AND RE USED
8 SECTION AA 1:100
PLANTER DETAILS

9

INTERIOR DETAILS
APPLICANT'S PROPOSAL (REV'D) (DRH37)

APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING
STEPHEN G. McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION — MAY 1984


② INTERIOR ELEVATION 1:100
ATRIUM SCREEN DETAILS
EXTENSION OF EXISTING WINDOWS
EXISTING TRAVERTINE
NEW OPENINGS TO ATRIUM 'A'
⑧ SCREEN TRANSOM DETAIL 1:40
BRASS
STAINLESS STEEL
STAINLESS STEEL FRAME TO FLOOR MATCHES EXISTING
TRAVERTINE
LIMESTONE
⑨ COLUMN DETAIL SECTION AA 1:40
① EXTERIOR ELEVATION 1:100
HEIGHT OF EXISTING SILL
EXISTING POLISHED GRANITE
EXISTING SILL AND SCREEN TO BE REMOVED AND REPLACED WITH ENTRANCE DOORS TO BE CONSISTENT WITH EXISTING BUILDING ENTRANCES
PLAN 1:100 ②
DOUBLE WALLED GLASS CYLINDERS WITH GRILL SLIDING IN
NOTE: DOOR AND SCREEN DETAILS TO BE COMPATIBLE WITH EXISTING DOORS AND SCREENS AT KING ST
GRILLS TO MATCH EXISTING
STAINLESS STEEL AND GLASS DOORS
③ INTERIOR ELEVATION 1:100
GREEN MARBLE
PLANTER DETAIL TO MATCH EXISTING
HEIGHTS TO MATCH EXISTING JOINTS
GRANITE
STAINLESS STEEL
⑥ SECTION 1:100
TRAVERTINE
PLANTER
GRANITE TO SILL
LIMESTONE ABOVE
④ COLUMN DETAIL 1:40
GRANITE TO SILL — LIMESTONE ABOVE
⑤ CENTER COLUMN 1:40
10
INTERIOR-EXTERIOR SCREEN DETAILS
APPLICANT'S PROPOSAL (REV'D) (DRH38)
APPLICATION No 1633
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN McLAUGHLIN, COMMISSIONER
CENTRAL CORE AND WATERFRONT PLANNING DIVISION
REDUCED DRAWING
MAY 1983

Draft

Bank of Nova Scotia

THIS EASEMENT AGREEMENT made as of this ____ day of ___, 1984.

BETWEEN:

SCOTIA REALTY LIMITED and
THE BANK OF NOVA SCOTIA PROPERTIES LIMITED
(hereinafter called "the Owner"),

OF THE FIRST PART

-and-

CAMPEAU CORPORATION
(hereinafter called the "Company")

OF THE SECOND PART

-and-

THE CORPORATION OF THE CITY OF TORONTO
(hereinafter called the "Municipality")

OF THE THIRD PART

-and-

CITICOM INC.
(hereinafter called "Citicom")

OF THE FOURTH PART

-and-

ROYAL BANK REALTY INC.
(hereinafter called "Royal")

OF THE FIFTH PART

WHEREAS the Owner, being wholly owned subsidiaries of The Bank of Nova Scotia, is the owner or has proposed to become the owner of the freehold or leasehold interests in certain lands and premises situated in the City of Toronto, in the Municipality of Metropolitan Toronto, which lands and premises (hereinafter called the "Property") include the lands known for municipal purposes in the year 1984 as 44 King Street West on which is erected buildings (hereinafter called the "Building") and certain abutting lands or adjacent lands, all of which are more particularly described in Schedule "A" attached hereto;

AND WHEREAS Citicom is the owner in reversion of that portion of the Property which comprises the lands known for municipal purposes in 1984 as 11 Adelaide Street West;

AND WHEREAS Royal has an interest in that portion of the Property which comprises the lands known for municipal purposes in 1984 as 11R Adelaide Street West;

AND WHEREAS the Company is to become the tenant under a Lease from the Owner (hereinafter called the "Lease") inter alia of the lands more particularly described in Schedule "A", with the exception of Part 1 shown on Reference Plan of Survey Number 63R 3120 registered in the Registry Office for the Registry Division of Toronto (63);

AND WHEREAS one of the purposes of the Ontario Heritage Act, R.S.O. 1980, c. 337, is to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

AND WHEREAS by Subsection 37(1) of the Ontario Heritage Act, the Municipality is entitled to enter into easements or covenants with owners of real property, or interests therein, for the conservation of buildings of historic or architectural value or interest;

AND WHEREAS by Subsections 37(3) and (4) of the Ontario Heritage Act, such covenants and easements entered into by the Municipality when registered in the proper land registry office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Municipality or its assignee against the owners or any subsequent owners of the real property, even where the Municipality owns no other land which would be accommodated or benefitted by such covenants and easements;

AND WHEREAS the Owner, the Company and the Municipality desire to conserve certain of the present historical, architectural, contextual, and heritage characteristics and conditions of portions of the building on the Property, shown on drawings DRH32 to DRH39, inclusive, contained in Schedule "B" attached hereto (hereinafter called the "Building"), while being mindful that the Building is intended primarily to be used for commercial purposes;

AND WHEREAS to this end, the Owner, the Company and the Municipality desire to enter into this Easement Agreement (hereinafter called the "Agreement");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TWO DOLLARS ($2.00) of lawful money of Canada now paid by each of the Parties to the other Parties hereto (the receipt of which is hereby of each of them hereby acknowledged), and for other valuable consideration, and in further consideration of the granting of the easements herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner, the Company and the Municipality agree to abide by the following covenants, easements and restrictions which shall run with the Property.

1.0 Reasons for Identification

1.1 Statement of Reasons

The Owner, the Company and the Municipality agree that for the purposes of this Agreement the following statement (hereinafter called "the Reasons for Identification") sets out the reasons why the Building has been identified by the Municipality as having historic and architectural significance:

> "Built in 1949-51, the building was designed by Mathers and Haldenby, Architects, and Beck and Eadie, Associates, making reference to the 1930 concept for the site by John M. Lyle.
>
> Incorporating an earlier "skyscraper temple" architectural form with the plainer style of the post-war period, the L-shaped limestone tower rises above a five storey base. The building features unique details in metal entrances and windows, and details in granite, marble, and limestone, and bas-relief sculptures.
>
> The banking hall, south foyer, elevator lobby, and the south stairway to the safety deposit vault exhibit unique design and craftsmanship in marble flooring, walls and counters, sculptured stone panel and medallions, etched glass, metal work, and the ceilings which are of noteworthy colour and form.
>
> The building is a landmark at King and Bay Streets and in the Financial District of the City of Toronto. It is an excellent example of mid-twentieth century architectural design."

1.2 Reasons for Identification and Photographs Relevant to Duties etc. of the Owner and the Company

The Owner, the Company and the Municipality have agreed that the photographs, contained in Schedule "C" attached hereto, the originals or facsimiles of which are filed in, and may be examined at, the Archives of the Municipality, wherever they may be from time to time located, generally depict certain significant features of the appearance or the construction of the Building. The Reasons for Identification and the aforesaid photographs shall be referred to in determining the duties of the Owner and the Company under this Agreement.

Forthwith after the completion, from time to time, of the permitted changes to the Building, as provided for in paragraph 2.1 hereof, the Owner and/or the Company will provide the City, at the Owner's and/or the Company's expense, with photographs taken from the same vantage point and identifying the same features as the photograph contained in Schedule "C". If the City accepts such photographs, they shall be incorporated in Schedule "C" by way of amendment to this Agreement, and shall replace the photographs contained in Schedule "C". After such amendments are made, all references in this Agreement to the photographs contained in Schedule "C" shall be taken to be references to such replacement photographs.

2.0 Duties of the Owner and the Company

2.1 Normal Repairs and Alterations

Whether or not a property which includes the Building is designated under the provisions of the Ontario Heritage Act (and if such a property is designated, without derogating in any way from the Owner's and the Company's duty to comply with that Act in respect of acts or matters which are not specifically dealt with in this Agreement in language which conflicts with the language of that Act except as hereinafter set forth), the Owner and the Company shall not, without the prior written approval of the Municipality, undertake or permit any demolition, construction, alteration, remodelling, or any other thing or act which would materially affect the features of the appearance, or the construction of the Building which are referred to in the Reasons for Identification, and/or are generally depicted in the photographs referred to in paragraph 1.2 to the extent that such photographs are not inconsistent with the Reasons for Identification.

The approval required to be obtained from the Municipality under this paragraph is in addition to all other approvals required by law. The approval shall be deemed to have been given upon the failure of the Municipality to respond in writing to a written request for it within ninety (90) days of receiving such request at its address as set out in paragraph 8.1 of this Agreement. If the approval of the Municipality is given or deemed to be given under this paragraph, the Owner and/or the Company, in undertaking or permitting the construction, alteration, remodelling or other thing or act so approved of, shall use materials approved by the Municipality.

Without limiting the generality of the foregoing, it is understood and agreed that, in addition to all other approvals required by law to all relevant working drawings and specifications in respect of the construction, alteration, remodelling or other thing or act, after first obtaining the approval of the Municipality pursuant to this paragraph, the Owner and/or the Company may undertake any of the following in conjunction with the integration of the Building as an element of the Scotia Plaza Project as shown on the drawings referred to in the report from the Commissioner of Planning and Development to the Land Use Committee dated June 22, 1984 and entitled "Report on Development Review under By-law No. 615-79 for construction of the Scotia Plaza development (Official Plan Amendment and Rezoning Application No. 1633) on a site comprising 30-44 King Street West, 102 and 106 Yonge Street, 11-29 Adelaide Street West and a part of 20 King Street West."

Exterior

(a) Two windows identified as "window D" and "window E" on drawing DRH32 may be altered to permit the introduction of a new entrance in accordance with the design shown in details 1 to 6 on drawing DRH38 if the construction of such is consistent in materials and details with the existing building entrances at Bay Street and King Street West.

(b) The granite sills of the four windows identified as "window B", "window C", "window "F" and "window "G" on drawing DRH32 may be lowered in accordance with the design shown in details 7 and 8 on drawing DRH37 and on drawing DRH32 and the glazing and frames extended to match the existing windows.

(c) The north entrance doors below the window identified as "window A" on drawing DRH32 may be removed if a new entrance is constructed in accordance with item (a) above. They may be replaced by a planter in accordance with the design shown on drawings DRH30 and DRH32 and in detail 11 on drawing DRH37 and the glazing and frames extended to match the existing window.

(d) An existing window may be removed and replaced by an emergency exit door identified on drawing DRH32 as "new exit" and new exit stairs be introduced in accordance with the design shown on drawings DRH30 and DRH32.

(e) Portions of the existing building above grade east of the "Banking Hall" and east of the "Elevator Lobby" as indicated on drawing DRH30 may be removed and replaced with the "Atrium" in accordance with the design shown on drawings DRH30, DRH34, DRH35 and DRH36.

Interior - Ground Level

(f) Marble counters may be moved from their present position provided that they are symmetrically rellocated in accordance with the design shown on drawing DRH30 and in details 1, 4 and 5 on drawing DRH37 and provided that the marble flooring shall be retained in the areas between the marble counters, and that marble flooring is extended with matching patterns, colours and materials, between the new west doors and the atrium in the areas identified on drawing DRH30.

(g) The north stairway to the Concourse Level identified as "existing stairs to be removed" on drawing DRH30 may be removed and the railings and etched glass panels will be re-used in the Banking Hall in accordance with the location and design shown on drawing DRH30 and in details 9 and 10 on drawing DRH37 provided that the opening area is resurfaced with marble flooring to match the existing floor.

(h) The east wall of the Banking Hall may be altered to provide access to the Atrium in accordance with the design shown on drawing DRH36 and in details 7, 8 and 9 on drawing DRH38 provided that the windows are retained, glazed and extended with matching frames.

(i) Fixed cheque counters and desks may be removed, if necessary, provided that the floor beneath them is finished in marble flooring to match the existing floor and provided that every reasonable effort is made to adapt the counters and desks for re-use in the Banking Hall for uses such as a reception desk.

(j) Necessary alterations to conform to the requirements of the Ontario Buildings Code.

Interior - Concourse Level

(k) Alterations to the Concourse Level may be undertaken provided that alterations in the area identified as the "Safety Deposit Area" on drawing DRH31 are consistent with the existing materials and architectural character and details of the existing area, and the open railing on both sides of the existing staircase within this area continues to be free-standing.

While the timing of the commencement of the alterations and/or work, referred to in clauses (a) to (g) or any of them, may be determined by the Owner and/or the Company in its discretion, provided that the provisions of the paragraph are complied with, it is agreed that with respect to the uses referred to in clauses (f), (g) and (i), the relocation or re-use will be completed as soon as is reasonably practicable following commencement of the alteration or work in question.

The Owner and the Company agree that the exposed east walls and north wall, altered in accordance with drawings DRH34, DRH35 and DRH36, shall be faced and detailed to match the materials on the existing walls above and on the adjacent south wall after first obtaining the approval of the Municipality of all the relevant working drawings and specifications.

It is understood that the specification within paragraph 2.1 of constructions, alterations, remodellings or other things or acts, do not in any way constrain the Owner and/or the Company from making application(s) from time to time for approval of additional or other constructions, alterations, remodellings or other things or acts pursuant to this Agreement.

In addition to complying with the Ontario Building Code Act and the Planning Act, the Owner and the Company agree to submit copies of all relevant working drawings and specifications for permitted alterations, to the Commissioner of Planning and Development for his approval prior to undertaking each of the permitted alterations. Such working drawings and specifications shall be in a form which is satisfactory to the Commissioner of Planning and Development.

Further, it is understood that approvals are not required under this Agreement in respect of any construction, alteration, remodelling or other thing or act which is undertaken in respect of either the Service Level of the Building being the floor below the Concourse Level, or any floor above the ground floor of the Building, provided that no feature of the construction or appearance of the Building referred to in the Reasons for Identification, and/or are generally depicted in the photographs referred to in paragraph 1.2, to the extent that such photographs are not inconsistent with the Reasons for Identification, is affected thereby.

It is understood that approval is not required under this paragraph in respect of the installation, removal or replacement of moveable office furniture or equipment, provided that such installation does not affect any features of the construction or appearance of the Building referred to in the Reasons for Identification and/or are generally depicted in the photographs referred to in paragraph 1.2 to the extent that such photographs are not inconsistent with the Reasons for Identification.

2.2 Insurance

The Owner and the Company shall at all times during the currency of this Agreement keep the Building insured against normal perils that are coverable by fire and extended perils coverage insurance in an amount equal to the replacement cost of the Building. The Owner and/or the Company shall deposit with the Commissioner of Finance and City Treasurer for the Municipality, within three (3) weeks of the execution of this Agreement, a certified copy of the insurance policy referred to above, or a certificate in respect thereof, with limits and with a Company that is acceptable to the said Commissioner of Finance and City Treasurer, acting reasonably. Thereafter evidence satisfactory to the Municipality of the renewal or replacement of insurance shall be delivered to the Municipality at least three (3) clear days before the termination thereof. For the purposes of this Agreement, the Municipality shall be named as an insured party in the said insurance policy. If the Owner and/or the Company fails to so insure the Building, or if any such insurance on the Building is cancelled, the Municipality may effect such insurance as the Municipality deems necessary and any sum paid in so doing shall forthwith be paid by the Owner and/or the Company to the Municipality, or, if not, such sum shall be a debt due and owing to the Municipality and recoverable from the Owner and/or the Company by action in a court of law. The Owner and the Company are jointly and severally liable to the City for the payment of such debt. Subject to paragraphs 2.3 and 2.4, all proceeds receivable by the Owner and the Company under any fire and extended perils coverage insurance policy or policies on the Building shall, on the written demand and in accordance with the requirements of the Municipality, be applied to the replacement, rebuilding, restoration or repair of the Building to the fullest extent possible having regard to the particular nature of the Building, the cost of such work and the rights of the mortgagee(s) under any existing or subsequent mortgages registered against the title to the Property. The Owner's and the Company's financial liability to replace, rebuild, restore or repair the Building if it has been damaged or destroyed shall not exceed the proceeds receivable by the Owner and the Company under any fire and extended perils coverage insurance policy or policies in which the Municipality is named as an insured party.

2.3 Rights of Mortgagees

The Owner's and the Company's obligations to apply all proceeds receivable under any fire and extended perils coverage insurance policy or policies on the Building to replace, rebuild, restore or repair the Building shall be subject to the rights of any mortgagees of the Property.

2.4 Demolition and Right to Refrain from Repairing

The Owner and/or the Company shall notify the Municipality of any damage or destruction to the Building which materially affects the features of the appearance or the construction of the Building referred to in the Reasons for Identification and/or are generally depicted in the photographs referred to in paragraph 1.2 to the extent that such photographs are not inconsistent with the Reasons for Identification, within ten (10) clear days of the Owner and/or the Company becoming aware of the occurrence of such damage or destruction. In the event that the Building is so damaged or destroyed and the replacement, rebuilding, restoration or repair of it is impractical because of the financial costs involved, or because of the particular nature of the Building, or because a mortgagee has refused to release to the Owner any insurance monies payable under any fire and extended perils coverage insurance policy or policies, the Owner and/or the Company shall, in writing within forty (40) days of the giving by the Owner and/or the Company of notice of such damage or destruction, request written approval of the Municipality to demolish the Building pursuant to paragraph 2.1, or to refrain from repairing the damage to the Building, provided that such approval shall not be unreasonably withheld. In the event of receiving the approval in writing of the Municipality, the Owner and/or the Company shall be entitled to retain any proceeds from the insurance hereinbefore mentioned, and to demolish the Building or refrain from repairing damage to it, as the case may be.

2.5 Reconstruction by the Owner and/or the Company

If the Municipality does not give the approval to demolish or to refrain from repairing damage to the Building, referred to in paragraph 2.4, or if the Owner and/or the Company has not requested the approval to demolish or to refrain from repairing damage, referred to in paragraph 2.4, the Owner and/or the Company shall replace, rebuild, restore or repair the Building to the limit of any proceeds receivable under any fire and extended perils coverage insurance policy or policies on the Building to effect a partial or complete restoration of the Building. Before the commencement of such work, the Owner and/or the Company shall submit all plans and specifications for the replacement, rebuilding, restoration or repair of the Building to the Municipality for its written approval within one hundred and thirty-five (135) days (unless the Municipality, and the Owner and/or the Company agree to an extension of such period) of the date of notice to the Municipality as to the damage or destruction occurring to the Building. A refusal by the Municipality to approve any plans and specifications may be based upon choice of materials, unattractive appearance, nonconforming architectural style, or any other ground or grounds, including but not limited to purely aesthetic grounds, provided that the approval of the Municipality shall not be unreasonably withheld. Subject to the foregoing, the determination of the Municipality shall be final. The Owner and the Company shall not commence or cause restorative work to be commenced before receiving the written approval of the Municipality of the plans and specifications for it, and such restorative work shall be performed upon such terms and conditions as the Municipality may stipulate. Such approval shall be deemed to have been received upon failure of the Municipality to respond in writing to a written request for it within ninety (90) days of the receipt of such request by the Municipality. The Owner and/or the Company shall cause all replacement, rebuilding, restoration and repair work on the Building required under this paragraph 2.5 to be commenced within thirty (30) days of the later of the approval by the Municipality of the plans and specifications for it, and the issuance of the necessary permit(s) in respect of it, and to be completed within nine (9) months of commencement, or as soon as possible thereafter if factors beyond their control prevent completion within the said nine (9) months, provided that the nine (9) month period may be extended by agreement of the Parties. The Owner and/or the Company shall cause all such work to conform to the plans and specifications approved of and terms and conditions stipulated by the Municipality.

2.6 Reconstruction by the Municipality

In the event that the request to demolish or to refrain from repairing damage is not made by the Owner, or is refused pursuant to the provision of paragraph 2.4, and the Owner fails to submit plans and specifications pursuant to paragraph 2.5 which are acceptable to the Municipality within one hundred and thirty-five (135) days (unless the Municipality, and the Owner and/or the Company agree to an extension of such period) of the date of notice to the Municipality as to the damage or destruction occurring to the Building, the Municipality may prepare its own set of plans and specifications and deliver the same to either the Owner or the Company, provided that they shall be acceptable to the Party to which they are delivered, acting reasonably. The Owner or the Company, as the case may be, shall have thirty (30) days from receiving a copy of such plans and specifications to notify the Municipality in writing that they intend to replace, rebuild, restore or repair the Building in accordance with those plans and specifications. If such notice is not given, the Municipality or its representatives, may enter upon the Property, undertake the replacement, rebuilding, restoration and repair work contemplated by such plans and specifications, to a value not exceeding the proceeds receivable by the Owner under the fire and extended perils insurance referred to in paragraph 2.2. The Owner and the Company irrevocably authorize the payment by the insurer of such proceeds to the Municipality and the application of such proceeds to the Municipality to indemnify itself against the cost of work done pursuant to this paragraph 2.6, including the cost of the preparation of the plans and specifications referred to in this paragraph 2.6.

2.7 Maintenance of the Building

The Owner and the Company shall at all times maintain the Building in as good and as sound a state of repair as a prudent owner would normally do, so that no deterioration in the Building's condition and appearance as of the date of this Agreement, shall take place which could be prevented by normal maintenance carried out by a prudent owner.

2.8 Signs, Structures, Etc.

With the exception of flags and poles in their existing location at the date of this Agreement, the Owner and the Company shall not erect or permit the erection on the exterior of the Building of any signs, awnings, television aerials or other objects of a similar nature without the prior written approval of the Municipality. Such approval may, in the sole discretion of the Municipality and for any reason which the Municipality considers necessary, be refused; provided that with respect to signage to identify the occupant(s) of the Building from time to time, the approval of the Municipality shall be not unreasonably withheld, having regard to the business or activity of the occupant and either the Reasons for Identification, or if designation of a property which includes the Building takes place under the Ontario Heritage Act, the reasons for designation of the property. Notwithstanding the foregoing, after obtaining other approvals required by law, one or more aerials or other devices used for the transmission and/or reception of communication signals may be located at the Owner's discretion on the roof of the Building, provided that the height of such devices does not exceed a plane defined by an angle or 60 degrees from the horizontal at the parapet edge shown on Drawing DRH39.

2.9 No Act of Waste

The Owner and the Company shall not commit or permit any act of waste in, on or in respect of the Building, nor shall the Owner or the Company, except with the prior written approval of the Municipality, grant any easement or right of way which would adversely affect the easement hereby granted.

2.10 Breach of Party's Obligations

If the Municipality, in its sole discretion, is of the opinion that the Owner and/or the Company has neglected or refused to perform any of its obligations set out in this Agreement, the Municipality may, in addition to any of its other legal or equitable remedies, serve on the Owner and/or the Company a notice setting out particulars of the breach and of the Municipality's estimated maximum costs of remedying the breach. The Owner and/or the Company shall have thirty (30) days from receipt of such notice to commence to remedy the breach and diligently continue to remedy the same or make arrangements satisfactory to the Municipality for remedying the breach.

2.11 Waiver

The failure of the Municipality at any time to require performance by the Owner and/or the Company of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the Municipality of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same or any other obligation hereunder at any later time.

2.12 Extension of Time

Time shall be of the essence of this Agreement. Any time limits specified in this Agreement may be extended with the consent in writing of the Owner and the Municipality, but no such extension of time shall operate or be deemed to operate as an extension of any other time limit, and time shall be deemed to remain of the essence of this Agreement notwithstanding any extension of any time limit.

3.0 Use of Property

The Owner and the Company expressly reserve for themselves, their successors and assigns the right to continue the use of the Property for all purposes not inconsistent with this Agreement.

4.0 Inspections of the Property

4.1 Inspection by Municipality at all Reasonable Times

The Municipality or its authorized representatives shall be permitted, at all reasonable times during the hours that the relevant portions of the Building are open to the public, and having regard to the Owner's security, to enter upon and inspect those portions of the Building which are materially affected by the Reasons for Identification or are generally depicted in the photographs contained in Schedule "C" hereto, to the extent that such photographs are not inconsistent with the Reasons for Identification, upon prior written notice to the Owner of at least 24 hours.

5.0 Notice of Easement

5.1 Plaque

The Owner and the Company agree to allow the Municipality to erect a plaque on the Building, in a tasteful manner, and at the Municipality's expense and with the Owner's and the Company's approval, acting reasonably, indicating that the Municipality, the Owner and the Company have entered into a conservation easement affecting the Property.

5.2 Publicity

The Municipality shall be entitled to publicize the existence of the easement, subject to the prior written approval of the Owner and the Company, acting reasonably.

6.0 Severability of Covenants

6.1 Proper Covenants not to Terminate

The Owner, the Company and the Municipality agree that all covenants, easements and restrictions contained in this Agreement shall be severable, and that should any covenant, easement or restriction in this Agreement be declared invalid or unenforceable, the remaining covenants, easements and restrictions shall not terminate thereby.

7.0 Notice

7.1 Addresses of Parties

Any notices to be given under this Agreement shall be delivered to the parties at their respective addresses. The respective addresses of the parties for such purposes presently are as follows:

THE OWNER

The Secretary
44 King Street West
Toronto, Ontario
M5H 1H1

THE COMPANY

Campeau Corporation
320 Bay Street
Toronto, Ontario
M5H 2P2

THE MUNICIPALITY

City Solicitor,
100 Queen Street West,
15th Floor, West Tower,
City Hall
Toronto, Ontario
M5H 2N2

CITICOM

Suite 300
36 Temperance Street
Toronto, Ontario
Attn.: Vice President, Real
Estate and Development

ROYAL

1 Place Ville Marie
P.O. Box 6001
Montreal, Quebec
H3C 3A9
Attn.: Vice President, Development

The Parties hereto agree to notify each other immediately, in writing, of any changes of address from those set out above.

7.2 Service by Mail Except Where Postal Service Interrupted

Except in the event of an interruption in the postal service, any notices to be given under this Agreement shall be delivered in person, delivered by ordinary mail where receipt has been acknowledged, or sent by pre-paid registered mail addressed to the Parties at their respective addresses as set out in paragaph 7.1. In the event that a notice is delivered in person, the Party receiving the notice shall forthwith indicate receipt of the notice by signing a form of acknowledgement of receipt and in that event, the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be deemed to have been received on the date of service as set out in such affidavit. In the event that a notice is sent by pre-paid registered mail or by ordinary mail where receipt has been acknowledged, it shall be deemed to have been received on the second clear day following the day on which the notice was sent.

7.3 Service Where Postal Service Interrupted

In the event of any interruption in the postal service, notice shall be given to either Party at its respective address as set out in paragraph 7.1, either in person or by special courier in the manner as set out in paragraph 7.1. The Party receiving the notice shall indicate the receipt of it by signing a form of acknowledgement of receipt, and the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be presumed to have been received on the date of service as set out in such affidavit.

8.0 Subsequent Instruments

8.1 Subsequent Instruments to Contain These Provisions

Notice of these covenants, easements and restrictions shall be inserted by the Owner and the Company in any subsequent deed or other legal instrument by which they divest themselves either of the fee simple title to or of their possessory interest in the Property or the building which contains the Building.

8.2 Notice to Municipality

The Owner and the Company shall immediately notify the Municipality in the event that they divest themselves of the fee simple title to, or of their possessory interest in the property, or the Building.

9.0 Other Parties

9.1 Citicom

Citicom hereby acknowledge this Agreement. So long as it remains the owner of an interest in any portion of the Property, Citicom covenant with the Municipality to perform the Agreement as a Party to it. All references in covenants contained in the Agreement to the "Company" shall be deemed to include references to Citicom.

9.2 Royal

Royal hereby acknowledge this Agreement. So long as it remains the owner of an interest in any portion of the Property, Royal covenant with the Municipality to perform the Agreement as a Party to it. All references in covenants contained in the Agreement to the "Company" shall be deemed to include references to Royal.

10.0 Headings

10.1 The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

11.0 Enurement

11.1 Covenants to Run with the Property

The covenants, easements and restrictions set out in this Agreement shall run with the Property and shall enure to the benefit of and be binding upon all Parties hereto and their respective successors and assigns.

12.0 Termination

12.1 Term of Agreement

Notwithstanding any other provision of this Agreement, the term of this Agreement shall end on the earliest to occur of:

(a) December 31, 1984, if Official Plan amendments and by-laws substantially in the form contemplated by the reports from the Commissioner of Planning and Development to the Land Use Committee dated March 2, 1984 and May 4, 1984 and entitled "Final Report on Application No. 1633 for Official Plan Amendment and Rezoning for the Scotia Plaza development site comprising 30-44 King Street West, 303 Bay Street, 102 and 106 Yonge Street, and 11-29 Adelaide Street West", "Final Report on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street", and "Modifications to the final report (March 2, 1984) from the Commissioner of Planning and Development, on Application No. 1629 for amendments to the Harbour Square Site Plan By-law to permit "Waterpark Place", a mixed-use project at 10 Bay Street", as amended whether or not before or after the date of this Agreement by the Land Use Committee or by Council, have not been passed by the Council of the Municipality;

(b) the occurrence of the Unwinding Date referred to in an Agreement made as of the ___ day of ________, 1984, between inter alia the Parties hereto which is registered as Instrument No. __________ (Insert date and registration details of Master Agreement);

(c) March 31, 2079;

(d) the date on which this Agreement terminates pursuant to paragraph 12.2; and

(e) the date of receipt of approval to demolish pursuant to paragraph 2.4.

12.2 Agreement to Terminate

(a) The Municipality, the Owner and the Company acknowledge that municipal objectives change over time and that buildings intended for commercial use need to remain economically and functionally efficient. The Municipality will from time to time, at the request of the Owner and/or the Company, discuss the Owner's and the Company's obligations hereunder and, if in the Owner's and the Company's opinion, the retention of the Building is not economically viable having regard for the nature of the activities being carried on in the Building at such time, and if the Municipality agrees with the Owner and the Company as to such matters, this Agreement shall terminate.

(b) Without limiting the generality of the foregoing, in the event that the Owner elects to terminate the Lease by giving a termination notice not later than June 30, 2055 that it wishes to have vacant possession of the land to which the Lease relates on June 30, 2057 because it bona fide intends to commence and carry out demolition of the building (with or without sub-grade structures) to be constructed in accordance with the Lease, erected thereon, and the Owner bona fide intends to demolish the Conservation Building and redevelop the same in conjunction with the redevelopment of the Property, without fettering in any way the Council of the Municipality or any of its successors, with respect to the approval by the Municipality of a plan for the redevelopment of the Property becoming final, this Agreement shall terminate on June 30, 2057, provided that a copy of the termination notice referred to at the commencment of this paragraph 12.2(b) is sent to the Municipality forthwith after it is given by the Owner to the Company.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the ___ day of _______, 1984.

SIGNED, SEALED AND DELIVERED)
in the presence of:)

SCOTIA REALTY LIMITED

Per:____________________________

____

THE BANK OF NOVA SCOTIA PROPERTIES INC.

Per:____________________________

____

CAMPEAU CORPORATION

Per:____________________________

____

CITICOM INC.

Per:____________________________

____

ROYAL BANK REALTY INC.

Per:____________________________

____

THE CORPORATION OF THE CITY OF TORONTO

Per:____________________________
A Member of the Executive Committee

Per:____________________________
Deputy City Treasurer

The Committee also submits the further report (June 22, 1984) from the Commissioner of Planning and Development:

Subject: Amendments to Building Scheme Agreement and other matters relating to Application No. 1629, "Waterpark Place"

Origin: Commissioner of Planning and Development (c71luc84336:81)

Comments:

1. General

As outlined in my report of March 2, 1984, I indicated that the proposed development at 10 Bay Street (Waterpark Place) will require an amendment to the 1969 Building Scheme Agreement. This amendment must be agreed to by the parties to the Agreement who are the Toronto Harbour Commissioners, Copthorne Holdings, Campau Corporation and the City of Toronto. I also recommended that the Commissioner of Planning and Development, in consultation with the City Solicitor, be given theauthority to negotiate the necessary amendments.

With respect to the amendments to the Building Scheme Agreement, I am not in a position to recommend that Council approve the necessary amendments proposed by Campeau Corporation. The reason behind this is that the proposal, particularly as it relates to 1 portion of the project, create adverse and, at some locations, hazardous wind conditions at grade. I have asked Campeau Corporation to modify the scheme in order to ameliorate these unacceptable wind conditions and submit rs together with a wind study that addresses grade level wind conditions and mitigating measures, if requried. Campeau Corporation has indicated that it may be possible to have acceptable revisions prepared prior to the City Council meeting of June 28, 1984, and I would therefore recommend that I report directly to Council on this matter. I will also be recommending that until amendment to the Building Scheme Agreement is finalized, that Bills not be introduced to City Council to give effect to either Scotia Plaza or Waterpark Place.

2. Colonnade Easement and Mid-Block Connections

In my report of March 2, 1984, I indicated that I would be requiring that an easement under the colonnade along Harbour Street, Bay Street and Queens Quay be granted to the City prior to the passing of the zoning amendment and other by-laws. I also indicaace the provision in the 1969 Building Scheme Agreement under which Campeau Corporation agreed to provide a through block easement linking a future bridge over Harbour Street and a pedestrian bridge over Queens Quay.

With respect to the 1969 Building Scheme Agreement provision that Campeau Corporation construct a pedestrian bridge over Queens Quay, I indicated in my report that Campeau had proposed to pay for the construction of a pedestrian bridge over Harbour Street ting Waterpark Place with lands owned by the Toronto Harbour Commissioners.

I am now recommending that the provisions of the Building Scheme Agremeent in respect of this pedestrian bridge remain unchanged.

I am also recommending that the through block easement linking the Queens Quay pedestrian bridge and a possible future brdige over Harbour Street be retained. I will, however, in my report to Council, should satisfactory amendments to the Building Scheme alized, be proposing that this mid-block easement range between the second and fourth levels on the project, rather than as currently outlined in the Building Scheme Agreement.

With respect to my earlier requirement for an easement under the colonnades, I am now recommending that an easement not be required. I would recommend instead that the provision of adequate at-grade pedestrian walkways be dealt with at the time of develope provision of daycare, I am recommending that at an on-site daycare facility which accommodates a minimum of 50 children be provided by Campeau Corporation on similar terms and conditions as proposed in the

case of Scotia on, I am recommending that the Waterpark Place daycare facility be provided in conjunction with the completion of the first commercial tower constructed on the site. The daycare facility at Waterpark Place can be included either within the first commercial tower or at another location on the site to the satisfaction of the City.

4. Linear Open Space and Boulevards

In my report of March 2, 1984, I recommended that the City Solicitor be authorized to prepare a collateral agreement between the owner and the City to give effect to the following:

4. (b) "That the owner agree to provide, at his own expense, detailed plans and drawings for landscape improvements to the street boulevard within the public right-of-way and adjoining open spaces within the site where such spaces exist, along the west side of Bay Street, the north side of Queens Quay West and the south side of Queens Quay West, between Bay Street and York Street, for the review and approval of the Commissioner of Planning and Development and the Commissioner of Public Works; and that the owner agree to pay for the installation of such improvements to City standards and specifications."

With the landscaping of the south side of Queens Quay, Campeau Corporation has submitted drawings prepared by Baker, Salmona and Hess, Limited, that are satisfactory to me and the Commissioner of Public Works. An agreement to secure these improvements is being finalized.

In regard to the linear open space on the north side of Queens Quay, no drawings have, as yet, been prepared. Therefore, I am recommending that an agreement for the linear open space be drafted in which Campeau Corporation convenants to improve such spacety as contained in the Water's Edge Promenade adjacent to the Terminal Warehouse Area within Harbourfront. Regarding the remaining boulevard space along the north side of Queens Quay, I am recommending that Campeau Corporation convenant to improve such space to an equivalent standard of quality as the south side of Queens Quay.

Finally, I would note that Bay Street in this area is a Metro road, therefore there can be no agreement between the City and the owner for landscaping improvements within the right-of-way on the west side of Bay Street, as suggested in the foregoing Recommendation 4(b). Consequently, reference to Bay Street should be deleted from the Recommendation.

5. Other Matters

On May 16, 1984, the Land Use Committee had before it a communication (May 16, 1984) from John B. Conlin, Q.C., for Campeau Corporation, together with my final reports (March 2, 1984) on the Scotia Plaza and Waterpark Place proposals. The Committee deferred final consideration of these and related items until its meeting on June 26, 1984.

In the communication, the Land Use Committee is requested to recommend a modification to one of the setback requirements specified in the Waterpark Place draft by-law. Subsection 2(1)(b)(xi)(cc) would require both the north and south residential towers to be set back a minimum of 7.5 metres from the westerly boundary of the site. The applicant wishes to improve facing conditions between, and views from, the towers by building the north tower to the westerly propert line.

I have investigated the implications of the change with respect to possible future development options on the adjoining Metro ramp lands, and conclude that there would be little impact. Accordingly, I have no objection to the modification as requested by the applicant.

I have some concern about the phasing of components of the Waterpark Place project which I have not been able to address at this time because I am awaiting further information from the applicant. I will be reporting to Council at the meeting of June 28, 1commendations:

1. That I be requested to report directly to City Council at its meeting of June 28, 1984, on the necessary amendments to the 1969 Building Scheme Agreement and other matters as outlined in this report to give effect to the "Waterpark Place" project.

2. That Recommendation 4(b) contained in my Final Report (March 2, 1984) on Application No. 1629 respecting "Waterpark Place" be amended by deleting the words "... the west side of Bay Street,...."

The Committee also submits the further report (June 22, 1984) from the Commissioner of Planning and Development:

Subject: Draft By-laws and Official Plan Amendments for the Scotia Plaza Development, Application No. 1633 - Ward 6.

Origin: Land Use Committee, at its meeting on May 16, 1984 (c71luc84335:46)

Comments:

1. Background

Your Committee held a public meeting on May 16, 1984 at which were considered the draft Official Plan Amendments and By-laws appended to my Final Report on the Scotia Plaza development of March 2, 1984. Also before your Committee was a letter from Mr. John B. Conlin on behalf of Campeau Corporation requesting certain technical amendments to these drafts. I was requested to report on these proposed amendments. Subsequently, I have received a letter from Campeau Corporation dated June 19, 1984, which is attached to this report in Appendix A, requesting an additional amendment to the Zoning By-law to make it consistent with the proposed design which is the subject of my Report on Development Review dated June 22, 1984.

2. Development over part of Royal Bank site

The applicant has proposed that a portion of the Scotia Plaza development be built above grade over a part of the lands at 20 King Street West in an area that is now an exterior walkway. The proposed portion of the building would enclose this walkway and join it to the adjacent walkway area. The part of the lot above grade within which the building is to be erected is to be conveyed by the Royal Bank to Scotia Realty Ltd. It is proposed that a new paragraph (d) be added to the Official Plan amendment for 20 King Street West specifying that a part of the Scotia Plaza building not larger than 71.65 sq.m. might be built over this property. A similar new paragraph 1(d) is proposed to amend the draft rezoning by-law for 20 King Street West. The previous paragraph 1(d) is to be recast more appropriately as a conditional clause. A revised definition of "lot" is also to be introduced into the by-law to deal with this situation.

As the 71.65 sq.m. of non-residential gross floor area to be built over 20 King Street West is attributed to that lot, the maximum amount of permitted non-residential gross floor area on the Scotia Plaza development lot under both the Official Plan amendment and the rezoning is to be reduced by 71.65 sq.m.

3. Height Limit

The applicant wishes to construct a portion of the stair towers and elevator shafts serving the Adelaide Street building above the height limit proposed in the by-law. The inclusion of a new phrase at the end of paragraph 3(e) as proposed would accomplish this.

4. Re-allocation of Density

The recent inclusion of the proposed daycare centre in the plans for the Yonge Street building and the reduction in height of the new building from five storeys to two have resulted in building on this part of the development site which is about 1 427 sq.m. smaller than permitted. The Development Review drawings show also an increased overall density on the central portion of the site of about 550 sq.m. The applicant has requested that the maximum permitted non-residential gross floor area on the Yonge Street building (Area D) be reduced by 1 200 sq.m. to 2 128.0 sq.m. and correspondingly increased on the central portion of the site (Area C) by 1 200 sq.m. to 165 657.6 sq.m.

5. Drawings

The Commissioner of Public Works has requested in his letter of March 7, 1984 attached to this report in Appendix A that his concern regarding driveway widths mentioned in his comments of May 5, 1983 have not been addressed in the draft by-law for Scotia Plaza. A new clause at the end of Section 4 of the site specific by-law requiring a minimum width of 3.5 metres for one-way operation and a minimum width of 5.5 metres for two-way operation would satisfy his request.

6. Conclusion

I have no objection to the minor revisions proposed for the amendments to the Official Plan and the Zoning By-law. They have the effect of clarifying the zoning on the Royal Bank lands and providing for the recent design improvements to the developments. They would appear to be technical in nature and I support them. I recommend that no further notice be given in respect of the amendments outlined in this report.

Recommendations:

1. That no further notice to given in respect of the amendments outlined in this report.
2. That your Committee recommend that Council approve the draft Official Plan Amendment and Zoning By-laws applicable to Scotia Plaza and 20 King Street West which were considered at the public meeting held on May 11, 1984 with the technical amendments thereto to give effect to this report.

Appendix A

Excerpt of letter from Campeau Corporation to the Commissioner of Planning and Development (dated June 19, 1984)

"Thank you for your letter of June 19, 1984 in which you identify an inconsistency between the allowable maximum non-residential gross floor areas as proposed in the draft by-laws and the actual number of square metres contained in our latest Scotia Plaza plans.

We wish to request that the allowable area for the Yonge Street building be reduced by 1200 square metres and transferred to the allowable area for the Adelaide Street building and office tower. By doing this we will ensure that the plans are consistent with the proposed by-laws."

Excerpt of letter from Commissioner of Public Works to Commissioner of Planning and Development (dated March 7, 1984)

"I refer to your final report dated March 2, 1984, respecting the above noted rezoning application and forwarded to me under date of March 5, 1984.

One of the concerns respecting the project identified in my May 5, 1983, report to you was that the driveways leading to and within the garage should have widths of 3.5 m for one-way operation and 5.5 m for two-way operation, in accordance with subsection (13a)(9) of By-law No. 236-83.

Accordingly, I would appreciate it if you woudl insert such a clause in the proposed site plan By-law, in a subsequent report on this project."

The Committee also submits the further communication (June 19, 1984) from Mr. Christopher S. Ridabock, President, Downtown Business Council, 595 Bay St., Suite 1050:

The Downtown Business Council Toronto Inc. has gone on record in support of the Scotia Plaza Development in Downtown Toronto.

As indicated to your committee in the past, we believe the development has practical, design and economic benefits to Downtown Toronto and the City of Toronto as a whole.

Negotiations between the developers and the City have been long and comprehensive to establish a design and massing acceptable to both and in complement with our existing skyline. At this late date, we do not believe it to be advantageous to reassess the previous agreements related to this development.

Our Downtown Toronto economy is just recovering from economic recession and some loss of industrial jobs will most probably continue. Therefore, this major development will assist the Downtown economy and specifically provide economic benefits as well as a substantial number of jobs for the construction trades.

It is our hope that City Council will allow this attractive development and major segment of the City's financial district to progress as planned.

The Committee also submits the report (June 18, 1984) from the Commissioner of Planning and Development:

Subject: Communication (May 16, 1984) from John B. Conlin, Q.C., for Campeau Corporation, respecting Waterpark Place draft by-law (Rezoning Application No. 1629).

Origin: Commissioner of Planning and Development (c71luc84317:81)

Comments: On May 16, 1984, the Land Use Committee had before it the subject communication together with my final reports (March 2, 1984) on the Scotia Plaza and Waterpark Place proposals. The Committee deferred final consideration of these and related itIn the communication, the Land Use Committee is requested to recommend a modification to one of the setback requirements specified in the Waterpark Place draft by-law. Subsection 2(1)(b)(xi)(cc) would require both the n

and south rential towers to be set back a minimum of 7.5 metres from the westerly boundary of the site. The applicant wishes to improve facing conditions between, and views from, the towers by building the north tower to the westerly property line.

I have investigated the implications of the change with respect to possible future development options on the adjoining Metro ramp lands, and conclude that there would be little impact. Accordingly, I have no objection to the modification as requested by the applicant.

Recommendation: That this report be recieved.

The Committee also submits the communication (June 25, 1984) from Henry Einarson, Membership Secretary, Ward 6 Community Organization:

I am representing myself and the Ward 6 Community Organization in expressing opposition to the proposed Scotia Plaza project and the process by which this project is being considered.

The Scotia Plaza project has been considered over two years. Now there is a push for rapid approval, although the proposal makes the Central Area Plan toothless. Some groups want fast action and approval. Understandably Scotiabank and Campeau Corporation have a desire for fast approval and the Building Trades Council wants the jobs which will result from it. Jobs I might add, which would have been available by now if Scotia Plaza had taken their as-of-right density plus the regular historic bonus. The City had no right to offer the residential bonus over and above the units wanted by the National Club - for transfer to an empty lot outside the Financial Core.

Toronto is unique among North American cities because it has encouraged people to live downtown, not for massive structures which empty as soon as the work day finishes. We should be proud of that, not working to ruin the spirit of the Central Area Plan.

Transportation for the additional 4,000 jobs to be created and service improvements to serve the excessive density desired will increase the tax burden on all Toronto residents. Do we need to exacerbate the situation with this massive redevelopment? Toronto has been a leader among North American cities, opting for the more humane development patterns of spread services and downtown living more consistant with European experiences.

The Toronto-Dominion Bank has been given credit for bringing the Scotia Plaza into public focus. This time they and the Toronto Redevelopment Advisory Council are correct. The precedent this 'ad hoc' approach to planning encourages is very dangerous and should not happen when the Central Area Plan is in place and its guidelines established. If the City approves Scotia Plaza can it deny similar concessions to any other developer?

Alderman Layton has fought to have the City rethink the advisability of this scheme, both for the irrepairable damage it does to the Central Area Plan and the process by which it is coming to Council. Both he and Alderman Dale Martin should be heeded.

As Mayor Eggleton has said, Ward 6 is not like other wards in the City, however, would any other Council attempt to so utterly disrespect the integrity of established planning guidelines by placing a four (4) times coverage apartment building in a two (2) times coverage residential zone anywhere else in the City when the ward aldermen were opposed. Ward 6 residents are entitled to the dignity of being seen as a community.

The City is getting the Biltrite site. Is the City going to assure the site will become moderately priced housing stock by getting Campeau and/or Scotiabank to construct the units and sell them for nominal cost to Cityhome? I doubt moderately priced housing has that high a priority, regardless of the rhetoric.

Luxury condominiums, as are likely planned for Waterpark Place, do not meet established Council priority and should not be considered grounds for transferring air rights.

Let us see the integrity of the Central Area Plan upheld. This project, as proposed, will set us on the road of other major North American cities - those now looking to us for solutions. We're walking in with our eyes open.

The Committee also submits the communication (June 25, 1984) from Mr. R. Scott James, Managing Director of the Toronto Historical Board:

Re: 44 King Street West (Bank of Nova Scotia) - Rezoning Application No. 1633

On June 22nd, 1984 (5:30 p.m.) the Toronto Historical Board received a copy of a communication (June 20th, 1984) to the City Clerk from the Toronto Redevelopment Advisory Council in which it was suggested that the present Bank of Nova Scotia Building at 44 King St. West be demolished after completion of a new tower on the development site. That suggestion appears to have been made as a method of reducing the density of the overall project from a proposed maximum of 16.1 to a density closer to 12 by eliminating the density of 3.8 attributed to the present Bank of Nova Scotia building.

The Bank of Nova Scotia building is included on the City of Toronto's Inventory of Buildings of Architectural and Historical Importance, as part of List No. 7, adopted by City Council on February 5th, 1975. The property was recommended by the Toronto Historical Board for designation by City Council and for a Heritage Easement Agreement.

Since August 1981, the Toronto Historical Board has participated in the discussion and reporting process on this rezoning application, identifying the buildings of architectural and historical significance on the site, recommending and participating in the implementation process for their designation, and ensuring through discussions with the applicant that these structures and their important elements, whether interior or exterior, are appropriately altered only where required and retained and finally protected by a heritage easement agreement under the Ontario Heritage Act.

The Toronto Historical Board strongly supports preservation of all the buildings of architectural and historical importance as proposed on the Scotia Plaza development site and objects to the exclusion of any one of them from such preservation.

The Committee submits the communication (June 22, 1984) from Mr. J. C. Bulmer and Mr. James D. Johnson, Co-Chairmen, Toronto-Central Ontario Construction Industry:

The purpose of this letter is to request permission to appear and speak before the meeting of the

Land Use Committee, Tuesday, June 26, 1984, 2:00 p.m., 2nd Floor - New City Hall, Committee Room 1.

The purpose of our appearance would be to speak in favour of speedy approval of the Scotia Plaza project, which we feel will create over 5000 man years of employment both on-site and off-site.

The Committee also submits the report (June 26, 1984) from the Commissioner of Planning and Development:

Subject: Amendments to Reports on Outstanding Matters and Development Review for Scotia Plaza.

Origin: Commissioner of Planning and Development (c71luc84345:46)

Comments: Certain technical changes are required to my following reports which are before you:

1. "Report on Outstanding Matters, Further Requests, and Comments by Concerned Parties Respecting Scotia Plaza, Application No. 1633":

Section 11.0 of my report respecting the Master Agreement should be amended to add the following paragraph respecting the provisions to be included in the Master Agreement.

"8. (a) Other Provisions

The Master Agreement should also include certain other provisions dealing with notice, the designation of certain properties, the repeal of conditions tieing the entitlement to the maximum amount of non-residential gross floor area on the Scotia Plaza development lands, a provision to ensure that certain successors in title are bound by the Master Agreement, Registration and certain housekeeping matters. Draft provisions are contained in Appendix D."

Recommendation 9(a) should be amended to clarify that execution of the Development Agreement recommended in my separate report on Development Review for Scotia Plaza is not a precondition to consideration of the bills for Scotia Plaza and Waterpark Place by City Council.

2. "Report on Development Review under By-law No. 615-79 for construction of the Scotia Plaza development (Official Plan Amendment and Rezoning Application No. 1633) on a site comprising 30-44 King Street West, 102 and 106 Yonge Street, 11-29 Adelaide Street West and a part of 20 King Street West":

Section 3.4 of my report respecting the Yonge Street portion of the development contains a typographical error in line 4. Reference to "8 metres" depth is incorrect. The report should be amended to specify "9.5 metres" not "8 metres".

Recommendation 1(e) should be amended to provide that the bicycle parking spaces are to be maintained as well as provided.

Also, Recommendation 1(g) should be deleted and replaced with a new recommendation which provides that details of the landscaping to be submitted by the applicant within 6 months of making an application for the first building permit.

Recommendations:

1. That this report be adopted.

2. That my report entitled "Report on Outstanding Matters, Further Requests, and Comments by Concerned Parties Respecting Scotia Plaza, Application No. 1633", dated June 22, 1984, be amended in accordance with this report and that Recommendation 9(a) be amended to add, following the word "herein" in the third line, the words "other than my Report on Development Review for Scotia Plaza dated June 22, 1984".

3. That my report entitled " Report on Development Review under By-law No. 615-79 for construction of the Scotia Plaza development (Official Plan Amendment and Rezoning Application No. 1633) on a site comprising 30-44 King Street West, 102 and 106 Yonge Street, 11-29 Adelaide Street West and a part of 20 King Street West", dated June 22, 1984, be amended in accordance with this report and that Recommendation 1(e) be amended to add the words "and maintained" following the words "shall be provided".

4. That Recommendation 1(g) of my above-mentioned report on Development Review for Scotia Plaza be deleted and replaced with the following:

"1. (g) Within 6 months of making an application for the first building permit for any portion of Scotia Plaza, the owner shall submit for approval by City Council, details of all the area shown on plan no. DR7 which are intended

to be landscaped and the roof area of 102/106 Yonge Street and further, the owner shall agree to provide and maintain the landscaping as shown on the drawing approved by City Council."

The Committee submits the communication (June 26, 1984) from Mr. John B. Conlin of Gardiner, Roberts, Barristers and Solicitors, 120 Adelaide Street West:

In his report to Land Use Committee dated 22nd June, 1984, the Commissioner of Planning and Development, inter alia, includes the following recommendation:

3. "that City Council approve the resolution of the Scotia Plaza daycare commitment as described in this report."

Appended to his report as Appendix D, the Commissioner of Planning and Development recommends that an option to lease the on-site daycare location be granted to the City.

The lease to result from the exercise of the option is proposed to contain a right in the City to assign the lease of these daycare premises,

without the consent of the lessor,

to use the said premises for any municipal purposes, and,

when no longer required by the City for municipal purposes to assign or sub-lease them to any other person who shall be free to use the demised premises for any use permitted by the zoning by-law.

Our client reaffirms its commitment to supply the site for use as on-site daycare premises, but submits that their use should be confined to daycare.

Accordingly, we respectfully request that Land Use Committee modify conditions numbered 2 and 4 proposed by Appendix D of the aforesaid report to be included in the lease in the manner proposed by the draft motion appended hereto.

MOVED that Appendix D, to the report of the Planning and Development Commissioner dated 22nd June, 1984, entitled "Report on outstanding matters, Further requests, and Comments by Concerned Parties respecting Scotia Plaza, Application No. 1633 - Ward 6." be amended (a) to substitute as paragraph 2 set out on page 60 thereof, the following:

2. "The City shall be free to assign or sub-lease with the consent of the lessor, which consent shall not unreasonably be withheld, but, notwithstanding the foregoing, shall be free to assign or sub-lease without the consent of the lessor to any person or corporation licensed to carry on a daycare operation"

and (b) to delete paragraph 4 therefrom.

The Committee also submits the communication (June 26, 1984) from Mr. J.D. Herrick addressed to Alderman Layton:

As you know I have previously expressed concern about the Water Park Place development which Campeau proposes across the street from Harbour Square where I live.

In a previous letter to you I noted that they had assured the residents at a public meeting held at City Hall that the tower would not be more than 25 stories. It now apparently is at 35 stories and I have been told that it is 90 feet higher than the prior proposal. It seems to me that they should be forced to go back to the commitment they made of no more than 25 stories on this particular site.

In regard to the density trnasfer from Water Park Place to the new Scotia building I have a few problems with that as well. First of all the coverage which Campeau has for Water Park Place is a great deal higher than that in the Official Plan, as I understand it. For some reason Campeau was given a special coverage allowance for the property at Water Park Place. He is now attempting to transfer that additional coverage up to King and Bay where it is worth a considerable greater amount of money.

It seems to me if he is going to transfer coverage from a low price area of the city he should only be able to transfer equal values - i.e. if the coverage is worth $1.00 per square foot at the waterfront and $2.00 per square foot at Bay and King he should be able only to transfer that value. Therefore at these examples if he took 100,000 square feet out of Water Park Place he should be permitted only to put a 50,000 square feet into the Scotia property.

The committee also submits the communication (June 26, 1984) from Richard James:

Thank you for letting me be on the agenda. I will do my best to oppose any plan to transfer anyone's density from one area to another.

I have asked to be able to speak for 3 minutes. The first thing I want to do is qualify myself for your attention. I have been a member of the Toronto Real Estate Board since 1931 but have been inactive for at least 10 years.

Mr. Tracey LeMay, first Commissioner of Planning, held a meeting in the Jessie Ketchum School in 1951 and I first learned of zoning.

In 1954 I invited people from 22 streets in the St. Clair and Yonge area to come to our house and we formed the Deer Park Residents' Association. I was a Vice President for many years and I attended meetings of the Co-ordinating Committee of Rate Payer Associations. Often I was their spokesman at the Property Committee as it was called then.

Mr. Matthew Lawson, Commissioner of Planning for most of the 50's, explained floor space index to me and told me of a trick clause in the Zoning By-law known as (4) (10) (b), saying he had tried in 1955 to have it eliminated because it permitted "developers" to build 11 and 17 stories where the public thought 3 were the limit.

After several tries I exposed this trick clause to the point where it could no longer be defended by some members of Council and after 3 days at the OMB it was eliminated. The Globe and Mail had an editorial "Return to Common Sense" giving me credit for the elimination of (4) (10) (b).

To-day I ask you to view in the same way any plan to transfer density from one area to another. Alderman Michael Gee is supposed to be one of my aldermen and if he is advocating the transferring of density from one area to another area, that is an effort for developers, not for citizens, or the good of the City.

Has anyone talked of the fact there is no fire fighting equipment in the world that can rescue people from above the 11th floor, except helicopters?

12 times the coverage is more than enough. Greed is one word to account for any effort for a floor space index of 16. I implore you to maintain a degree of common sense.

Notice was given as required by the Planning Act advising of the public meeting on May 16, 1984, by the Land Use Committee with respect to this matter and the following appeared:

- *John B. Conlin, Q.C., Gardiner, Roberts, solicitors for the applicant*
- *William H. Roberts, Chairman, C.O.R.R.A.*
- *Edgar Sexton, Q.C., Osler, Hoskin & Harcourt, solicitors for the Toronto-Dominion Bank*
- *James Dave Johnson, Business Manager and Financial Secretary, Building and Construction Trades Council*
- *Dennis Colby*
- *June Taylor, President, 33 Harbour Square*
- *Alderman Martin*

The Committee heard deputations at its special meeting on June 26, 1984, from the following persons on this matter:

- *John B. Conlin, Q.C., Gardiner, Roberts, solicitors for the applicant*
- *P. Beinhaker, I.B.I. Group, consultant for the applicant*
- *I. Kotowych, I.B.I. Group, consultant for the applicant*
- *F. Tisch, W.Z.M.H. Architects, for the applicant*
- *Michael Hasley, President, National Club*
- *Robin Korthals, President, Toronto-Dominion Bank*
- *Dave Johnson, Business Manager, Toronto-Central Ontario Building and Construction Trades Council*
- *Cliff Bulmer, Toronto Construction Association*
- *Richard James, 37 Lonsdale Road, who filed a submission*
- *William H. Roberts, Barrister and Solicitor, for C.O.R.R.A.*

Aldermen Martin, Campbell, Thomas, Reville and Kanter were also in attendance.

The following motions by Alderman Layton were voted on and lost:

"1. That this matter be referred back to the Commissioner of Planning and Development to be re-negotiated on the basis of 12 times coverage for the King/Bay site and including the housing component and day care;"

"2. That any reference to 'assisted' housing be removed when talking about the Biltrite site, and refer to it as a 'housing' site"; and

"3. That the Commissioner of Planning and Development report directly to City Council for its meeting on June 28th on a significant reduction in the 37-storey height in the north tower, and that such a reduction be included in the Building Scheme Agreement for Waterpark Place."

The Committee reports having requested the Commissioner of Planning and Development to report directly to City Council for its meeting on June 28, 1984, on posible sidewalk treatment for Bay Street.

The Committee recommends:

1. **That the report (June 22, 1984) from the Commissioner of Planning and Development, respecting Outstanding Matters, be adopted;**
2. **That the Final Report (March 2, 1984) from the Commissioner of Planning and Development on Application No. 1633 for Official Plan Amendment and Rezoning for the Scotia Plaza, be adopted;**
3. **That the Final Report (March 2, 1984) from the Commissioner of Planning and Development, on Application No. 1629 for amendments to the Harbour Square Site for Waterpark Place, be adopted;**
4. **That the Draft By-laws submitted by Mr. Dennis Hefferon, the City's Counsel, as amended by the reports (June 22, 1984 and June 18, 1984) from the Commissioner of Planning and Development, be approved;**
5. **That the report (June 22, 1984) from the Commissioner of Planning and Development on Development Review for the Scotia Plaza development, be adopted;**

6. **That the report (June 22, 1984) from the Commissioner of Planning and Development on the Heritage Easement Agreement for the Upper Canada Bible and Tract Society building (Dunfield) at 102 Yonge Street, be adopted;**

7. **That the report (June 22, 1984) from the Commissioner of Planning and Development on the Heritage Easement Agreement for the National Club Building at 303 Bay Street, be adopted;**

8. **That the report (June 22, 1984) from the Commissioner of Planning and Development on the Heritage Easement Agreement for the Bank of Nova Scotia Building at 44 King Street West, be adopted;**

9. **That the report (June 22, 1984) from the Commissioner of Planning and Development on amendments to Building Scheme Agreement and other matters relating to Application No. 1629, "Waterpark Place", be adopted;**

10. **That the report (June 26, 1984) from the Commissioner of Planning and Development on amendments to Reports on Outstanding Matters and Development Review for Scotia Plaza, be adopted; and**

11. **That no further notice be given in respect of the amendment to the Waterpark Place Zoning By-law, as amended by the report (June 18, 1984) from the Commissioner of Planning and Development.**

Respectfully submitted,

TOM JAKOBEK,
Chairman.

COMMITTEE ROOM
Toronto, June 26, 1984